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POLITICAL ESSAYS

POLITICAL ESSAYS.

LORD HOBART.

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WITH SHORT BIOGRAPHICAL SKETCH.

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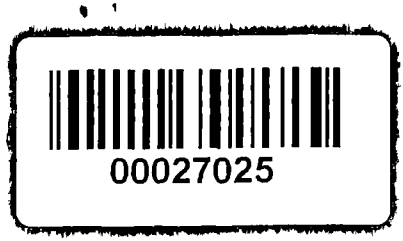

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POLITICAL ESSAYS.

BOMBAY BRANCH OF THE ROYAL ASIATIC

BIOGRAPHICAL SKETCH.

THE following Essays by Lord Hobart were the result of experienced thought on subjects of political importance.

Twenty years of official training in the Board of Trade—from 1842 to 1863—the duties of private secretary to more than one cabinet minister, and also to under secretaries of state, as well as to successive secretaries of the Board of Trade, had given him a practical experience in the working of the system by which the English Government is administered.

Questions connected with revenue, and of importance to commerce in its several branches, and its effect on the condition of our working classes, were constantly before the mind in their most practical form.

Commerce at home and abroad, and the vast but intricate machinery by which it is carried on, the

regulations which guard alike the welfare of the country and the individual interests of the people, questions connected closely with these interests, give constant experience in the working of all the principles of government.

The condition of the artisan and the labourer, the effect upon their produce, whether it be agricultural or skilled labour, of all legislative enactments; the consideration of restrictive measures, such as taxation at home, or tariffs regulating the duties upon our export and import trades, the regulations which control the carrying trade of the country by land or sea; the administration of government by our public offices, and its bearing on these questions, form a practical school for any mind inclined to work out the problems of political economy.

Linked with the interests of our own country and its trade are our treaties with foreign countries, and the various relations which arise between the different peoples of all nations—in other words, our international relations. The actual necessity for some order, the difficulty attending all such legislation, experience in the official treatment of such details, give insight into the groundwork of foreign policy.

In the Colonial Office, administration in other relations gave a varied experience, and one which in after years was invaluable. It must be admitted that such an official training gives weight to the opinions of men who have been prepared by it for political life.

The trials and difficulties connected with his position gave Lord Hobart unusual opportunities for realizing the struggles of those who must depend entirely on their own effort and steady exertion.

His private circumstances prevented him from going into Parliament; this impossibility was made doubly trying by the deep interest which he took in politics. It was, therefore, with some satisfaction that in 1850 he agreed to write in the *Morning Chronicle;* and at the time when it was said to have contained some of the ablest articles on public affairs he was one of the regular contributors to that paper.

His writing was the result of an almost impassioned interest in the subject. Writing for mere gain, or abstaining from writing on account of personal considerations, was almost impossible to him. He took a keen interest both in foreign affairs and in home policy.

Time has shown that his opinions, though at first they were often opposed to, were really only in advance of, the day. They were formed independently, not from the mere appearance of passing events, but rather from a study of those laws which, working through the phases of circumstances, develop the principles by which events are guided and inspired.

In 1853 he published a pamphlet on the *Law of Partnership*, advocating limited liability, and other changes, which have since been found desirable, and have been adopted.

In 1854 Sir George Grey was Secretary of State for the Colonies, and he offered his private secretaryship to Lord Hobart. It was an appointment which was highly valued by Lord Hobart from reasons of personal regard and appreciation, and from every point of view it was most advantageous to him. At that time England was at war with Russia, and the warlike policy which led to the Crimean war was supported by the Liberal Government. The feeling of the country was with them to such an extent that the only alternative seemed a still warmer hostility to Russia, which was the policy advocated by the Tory party of the day. Those who opposed the Crimean war formed a small minority in the country; Lord Grey and Mr. Bright were almost

alone in Parliament, and the newspaper press strongly advocated the justice and necessity of the war.

England, France, Piedmont, with Turkey, had drifted into war, and the peace of forty years' duration had been broken.

In February 1855 terms for peace were proposed by Russia. Lord Hobart resigned his private secretaryship to Sir George Grey, for as secretary to a cabinet minister he did not feel free to oppose the warlike policy of the Government. He immediately wrote a letter to the *Times*, hoping in some degree, by using the only means in his power, to help to turn public feeling to a more pacific policy towards Russia. Had he been in Parliament he would have warmly supported Lord Grey and Mr. Bright for the reasons given in his letter. He said:—

"The question then, is, Would a peace upon terms such as those which (as is well known) Russia is prepared to concede accomplish the declared objects of the war?

"I do not mean the objects of those who proposed by the war to put a final stop to Cossack domination, the use of the knout, Siberia, and despotism in general; but of those men of ordinary prudence and sense who justified our taking up arms.

"Russia is prepared—

"1. To give up her treaties with Turkey respecting

the Greek Church there, and therefore her exclusive protectorate over it.

"2. To give up her quasi-sovereignty, or whatever else the privileges may be called which she possesses in Moldavia and Wallachia.

"3. To set free the navigation of the Danube.

"4. To consent to some limitation or counterbalance to her naval power in the Black Sea.

"Now, sir, I confidently assert—and I believe I shall be supported in the assertion by any one who will take a dispassionate retrospect of these transactions—that if, when war was finally determined on, the Government had been asked whether they had any idea of continuing it for one day after even the first three of the above-named concessions should have been made by Russia, they would have replied at once in the negative, not without some indignation that the question was thought necessary. I well recollect, indeed (nor does it require a long memory to do so), that the question asked by all men of ordinary prudence who advocated war was not whether those terms should be accepted if offered, but whether it was at all likely that Russia could be compelled to offer them.

. . . . . .

"It appears, then, that Russia is prepared to make not only the concessions to obtain which the war was undertaken, but also other concessions, and therefore that the peace which she is prepared to make could not but be considered as perfectly just and honourable to both sides.

"I have said nothing in this letter of the justice or policy of the present war. I am one of those who think that the war was unnecessary—that it was the result of irrational panic and baseless suspicion; and that the circumstances of the Vienna note have given it the character of a proceeding questionable in point of honour and good faith. But I am content for the present purpose to assume that the war was originally justifiable; and on that assumption I now contend that it is our bounden duty, as I believe it to be our best policy, to accept the very large measure of concession which has been offered by Russia.

. . . . . .

"Now, when Russia is ready to give up her treaties and her rights in the provinces, thus putting an end to her principal pretext for aggression upon Turkey, as well as to make other stipulations adverse to her interests, we demur to peace on the ground that it would be fatal to the cause of civilisation and the liberties of mankind.

"I am, Sir,

"Your most obedient servant,

"HOBART.

"*February* 22, 1855."

Read by the light of subsequent and present events this extract from Lord Hobart's letter has a strange bearing on the present state of public feeling.

That great and terrible wars should depend upon

the fickle passions of public opinion is a fact which confuses all ideas of the civilisation of the nineteenth century. As yet we seem blind, or in that first stage of sight when we read our lesson upside down.

The circumstances connected with Lord Hobart's letter to the *Times* in February, 1855, give additional interest to the following extract from the last article he ever wrote, on "The International" in February, 1872:—

"It is, then, in war, as now looked upon and practised by European States, that the great league for the disruption of society has found its best ally. Some twenty years ago the long repose of Europe was broken by a devastating conflict which scarcely any one, even of its surving authors, can now be found to defend. Since then it is not too much to say that there is hardly any national passion or aspiration—whether it be pride, envy, antipathy of race, lust of territory, or love of military glory—which is not recognized as a more or less fit subject for gratification at the cost of war. The 'war path' of the Red Indian is not, to judge from language and appearances, a more familiar subject of contemplation to him than are 'eventualities and complications' to modern diplomacy; by which it means the ghastly and sickening horrors described by correspondents from seats of war in words of disgust and shame. The only nation which it is the fashion to speak of as

particularly culpable in this respect is France, because she fights for military fame. But from a moral point of view there seems to be no long step from the love of military fame to the love of extended empire; and for this almost every nation in Europe has either been fighting or is ready to fight. The Danish War and the war of 1866 were made by Prussia for the sake of German unity, which is only another name for extended empire; and of these wars, which were emphatically wars of ambition, the terrible contest lately ended was the natural fruit. In that particular tragedy France was the aggressor; but neither for that nor for the present state of Europe in general is France alone to blame. For these the three governments which in 1854 shattered a peace of forty years, with all its bright promise of permanence, and all its wealth of material and mental progress, for purposes not worthy to be placed for one instant by their side, are primarily answerable. But upon the governments which from that moment have abandoned themselves to the beggar-my-neighbour game of fleets and armies —which have heaped tax upon tax for the purpose of enabling them at any instant to rush into conflict on pretexts of which the men of a century ago would have been ashamed—which have rejected every proposal for reciprocal disarmament—and which have apparently ceased to consider that war for any cause whatever, if only a nation which goes to war supposes itself to be in the right, can possibly be without justification, — upon these also a heavy load of responsibility is laid."

Neither position nor interest of any sort contributed to the first acknowledgment made, that Lord Hobart was qualified for promotion from his senior clerkship in the Board of Trade to special employment.

In 1861 the Foreign Office had applied to the Board of Trade for some man capable of investigating and advising on the condition of the Turkish finances. The appointment was offered to Lord Hobart.

An offer of such political importance would in itself have had great attraction, more especially to one who so keenly loved travel, and to whom the routine of official life in a subordinate position was becoming a very trying necessity; yet under the circumstances to Lord Hobart it had none, personal ambition was entirely absent from his character, and he decided to undertake the work only because he considered his services belonged to the Government. If he could have declined he would have done so.

Before the matter was decided, and after he had most carefully studied the papers sent to give him the necessary information on Turkish affairs, he came to the conclusion that the mission to Turkey was a political blunder, and he wrote a letter to the Secretary of State for Foreign Affairs in which he most strongly expressed his opinion on the subject,

hoping that the decision might be reconsidered; at the same time he felt that his duty was to place his services at the disposal of the Government; but before obeying orders he thus expressed himself about the policy of the Government:—

". . . . It is evident that, in order to place, *for the future*, the Turkish finances upon a sound basis, the most essential requisite is a thorough administrative reform. No re-adjustment of the incidence of taxation, no creation of new taxes, or extension of old ones, will without this be of the slightest avail. So long as there is no regular system of accounts, no security that the annual budgets will give any real clue to the probable income and expenditure, no check such as publicity would afford on the most reckless extravagance and improvidence, no limit to the power of each minister to issue promissory notes, or of the Sultan to help himself out of the public treasury; so long there will be no possibilty of depending on the solvency of the Porte. And, on the other hand, a thorough reform in these respects would give it every prospect of permanent financial prosperity.

"Now the necessity for such a reform, and the principal measures which would be necessary for effecting it, have already been frequently brought under the notice of the Porte. Not only have they been urged upon its attention at different times by Sir H. Bulwer, but they have been indicated in detail in the careful and comprehensive report of the English and French members of the late Financial

Council, and have been recommended in that form by Her Majesty's Government to the Porte for its adoption.

"Under these circumstances, it appears to me that what is now required is not further inquiry into the evils of the Turkish financial system and their remedies (for this, as I understand it, is the object which your lordship has in view in appointing the present mission), but simply the adoption of the remedies which have repeatedly been proposed, and which indeed are obvious and natural, for admitted evils. Whatever may tend to induce the Porte to put these remedies into practice, to give effect, in short, by a radical change in its laws and regulations to the suggestions of the European members of the late Council, will tend to rehabilitate the Turkish empire. No further investigation of its financial system would, as I venture to think, be of any use in providing a remedy for a state of things which proceeds from a want—not now—of knowledge or advice, but of power or of will.

"Such being, if I may judge from the correspondence, the present state of affairs in this matter, I confess that I should be reluctant to be employed upon a service which, as it appears to me, would not be attended by any useful result. I feel, however, that I may well be mistaken with regard to the object and probable results of the mission, and I am aware that there may be reasons of State policy of which I am not cognizant, which render it desirable, and if, therefore, your lordship is still desirous after reading

this that I should proceed, to Turkey, I shall hold myself at your disposal, and be ready to leave England at the time mentioned."

In this financial mission he was associated with Mr. Foster, "Deputy Paymaster-General," his senior in office, and, as such, his senior in the mission. Their efforts were successful in obtaining the withdrawal of the paper money; they left no stone unturned in obtaining full information as to the financial position and capabilities of the country.

By inquiries, which were answered by the several consuls in the provinces, and by other means, the system of taxation and the resources of the country were fully investigated, and the reports which gave the required information and contained suggestion and advice as to the future management of the finances gave general satisfaction. After the Report made by Mr. Foster and Lord Hobart had been recommended by the British Ambassador for the consideration of the Ottoman Government, the Sultan's Ambassador in England was desired to ask that the Commissioners should return to Constantinople and assist in carrying out the measures they had proposed. Lord Hobart was entrusted with this second mission. France and Austria also

sent financial advisers to the Government of the Sultan.

During the first year there had been some embarrassment in regard to the position of the Mission and its relation to Sir Henry Bulwer, who was then English Ambassador. It was therefore arranged on his return to Constantinople that Lord Hobart should treat directly with the Ottoman Government and act under the immediate orders of the Foreign Office. Thus one of the difficulties connected with the Mission was removed. A commission was appointed for deciding upon and carrying out the measures for the withdrawal of the paper money. The Grand Vizier was president, but two Turkish ministers also belonged to the Commission, and gave the greatest possible assistance and support—they were men second to none in Europe both for integrity and capability. The government of the Porte realised that the promised reform must be accomplished; accordingly they appointed men whose administrative skill and high sense of honour ensured the success of the work. No offence was given to the dignity of the Ottoman Government, and moral pressure was successful. For these two statesmen Lord Hobart entertained a very great regard and respect. One was Ahmed Vefyk Effendi, who is the

President of the Chamber of Deputies in the new Parliament, the other, Edhem Pasha, is the present Grand Vizier.

Such are some few of the men who constitute the ministry of the present Sultan; upon such men the Ottoman empire depends in this her hour of need, and most thoroughly might they have been trusted to carry out the administrative reforms throughout the empire; but in making the Crimean War the allied powers adopted a policy which entailed embarrassment. Until that war was made the Ottoman empire had no foreign debt. Thus originated the financial difficulties; and far from curtailing Russian ambition by that war, it has been provoked into a most deadly animosity which ought to have been foreseen; and which has never rested until it could be revenged; and besides the utter devastation and misery brought upon the empire by the present war, it was timed so as to prevent the Ottoman Government from carrying out any reforms, and from reaping any benefit from the councils of statesmen whom, at the eleventh hour only, the Porte has been forced to consult.

Lord Palmerston's cordial greeting to Lord Hobart after his return from Constantinople expressed the approval of the Government. "Well," he said, "you

have done a good stroke of work." All that was possible had been done, and the instructions given by the Foreign Secretary had been fully carried out; but, as was foreseen, the suggestions were powerless for good in leading to measures of permanent financial reform; and when one of the practical results of the Report made by Mr. Foster and Lord Hobart proved to be the greater facility which it gave the Ottoman Government in making fresh loans by exposing the resources of the country, and thus raising their credit, Lord Hobart felt that the real administrative reform required was further off than ever, and that sooner or later a crisis must come.

It is impossible to judge of Mohammedan life with unprejudiced eyes without having known Mohammedans—without having felt the power which their worship of the one true God has over their lives, and the dignity and courtesy which characterise their mutual relations, from their faith in the equality of all men of their own belief.

Lamentable results must abound where an enthusiastic people still adhere to the social customs of the Jews, which have become crystalised and hardened by time and by the loss of that vivifying and ever-changing power which developed them under Christianity. Such cruelties as those which received

divine sanction upon the authority of the prophet Samuel in the case of the destruction of Amalek have developed into crimes against which, most righteously, all Christendom have risen. Russian conquests may limit the fields exposed to such cruelty, but the knowledge that they are possible, and that the misrule of the whole country is an evil of gigantic magnitude, recalls the words in the letter above quoted: "The most essential requisite to Turkey is a thorough administrative reform."

Any permanent reform, with one exception, has not yet been given to Turkey. In that case—the Navy—it has proved successful.

However disinterested Russia may be in her care for certain provinces and co-religionists, the feeling of men for their fellow-men must vent itself, and seek the means for such reform throughout the Turkish empire; and though the selfishness and jealousies of diplomacy may leave the reforming process entirely to individuals, Christianity and civilisation demand reforms which can scarcely be attained by Russian despotism, and individuals will not be wanting in this mission when war has proved itself powerless to repress or reform the barbarism from which it has been bequeathed to us. It has yet to be admitted that the greatest triumph of Christendom

is not to be found in the assertion of her territorial rights; she can never by aggressive warfare subdue the outbreaks and disorders inherent in ancient and barbarous systems.

Among Christian nations it has been unwillingly admitted that an immense benefit was conferred upon their international relations when arbitration prevailed, and England paid the penalty awarded to her in her dispute with America; and yet it was the greatest advance in civilisation, and the first victory of that peace which must result from the action of a free people upon the foreign policy of their government. There are not wanting Russians who admit that when they have arrived at constitutional government their present policy of aggressive warfare will be made impossible.

The following Essays work out the questions connected with such subjects, and it is interesting to trace the arguments as they clear away the remains of the dust and growth of centuries from the unassailable foundation of justice which must support all good government.

Lord Hobart's experience in Constantinople both on the Financial Mission and later as Director-General of the Ottoman Bank was of a very practical character. He considered the establishment of the

Ottoman Bank essential to any effort for reforming the administration of the finances of Turkey. He had scarcely resigned that post when the Duke of Argyll offered him the appointment of Governor of Madras. This was in February, 1872. The last of the following Essays had just been written, and he was looking forward to a time of retirement from official work. His leisure would have been devoted to political study and writing. He most highly appreciated the honour which the offer of so important an appointment conferred upon him, and yet it was most characteristic that he accepted it with very great unwillingness. He confessed that he would rather have tried to use any influence he might have with thoughtful men by writing, and thus leavening their influence over the people, than work in a position so conspicuous as that offered to him.

His work in India will speak for itself. Governor of an important Presidency, at the end of three years he fell by pestilence, as Lord Mayo fell by assassination. Second to the Viceroy in India, therefore in a subordinate position; still—he fell also at the post of duty. His works and influence in India are following him, and the truth he once expressed to the Grand Vizier, Fuad Pasha, who asked him

how it was that Prince Albert had not been more appreciated during his life, may yet apply in its measure to himself—

"Altesse," he said, "il faut mourir pour être grand homme en Angleterre."

The permanent welfare of the Presidency was his constant study.

He considered a harbour essential for the interests of Madras, and especially for the Anglo-Indian community there, their commerce, and the safety of their shipping, as well as upon the grounds of humanity, so that there might be some protection from the fury of the storms and cyclones which at certain seasons make the whole of the Coromandel coast so perilous, for these reasons he persisted in a long controversy which he successfully maintained for three years, and in which he proved that the work would be both practicable and profitable. At last sanction was given by the Secretary of State for India for the construction of the proposed harbour for Madras. Privately he had received the news that the permission was granted. The Government despatch was however dated upon the day when his government ceased.

Lord Hobart had instigated and strongly urged upon the Municipal Commissioners of Madras the

crying necessity for the sanitary measures which were being considered and reported upon, and submitted to the Government of India while he was Governor, and which, as well as the works for the harbour, are now being considered and carried out by the present Governor of Madras.

The absence of any regular system in the drainage of the city had produced an evil so vast, being the accumulation of so long a time, that former governments had been paralyzed by its magnitude, and by the enormous expense which it necessarily involved. This expense he considered should be met by an imperial grant. An evil which is the legacy of more than a century of neglect ought scarcely to find its remedy, as was recently suggested, by increased taxation upon those who, besides the tax lately proposed, are daily victims to the malaria which is due to past neglect, and to which by no fault of their own they have been exposed.

The typhoid fever so fatal to Lord Hobart was caused by the malaria which a better system of drainage might entirely prevent.

He was resolutely protecting the interests of the European community, but he by no means forgot the far larger questions connected with the welfare of the native populations of Southern India.

His efforts to diminish taxation were never relaxed. The policy advocated by Lord Northbrook encouraged and invariably supported and sanctioned these efforts. Lord Hobart was also determined to establish schools throughout the Presidency for Elementary Education. In this he was undaunted, in spite of a very strong opposition to any diversion from other sources of the required funds. The prejudices of the services could not be overcome. To him it seemed that the expenditure of the existing revenue should have been readjusted. He would have maintained the first importance of necessary roads; he deplored the luxury of unnecessary roads, which were often a mere question of personal convenience and caprice.

Any effort to control these expenses was opposed resolutely. He maintained that the education of the population was a more important benefit to them and to the British Government than the enormous yearly expenditure upon roads. His proposal to adjust these expenses being finally opposed by the Government, he undertook for himself to ascertain by personal examination the state of the accounts of the different municipalities, hoping in their cash balances to find a part of the funds for the required school expenses.

The personal labour this involved was considerable; the important bearing of that labour upon the principles of government in India he considered worth great sacrifice.

Other measures connected with the civil and religious liberties of the natives he was strongly urging upon the consideration of the Home Government, and much remains of his correspondence on all these subjects, which it is hoped may yet be made of use and valued.

As Governor every energy was employed in behalf of the 30,000,000 entrusted to his care.

His own words on the question of education, and on the position of the English in India, are full of the feeling by which he was animated. In a speech made on the Neilgherry Hills, at the Lawrence Asylum at Ootacamund, in September, 1873, after a few words to the committee of management he said:—

"But in truth such disinterested exertions need no thanks of ours. They bring with them their own rewards. After all, anxious and difficult though it must often be, there is no work so pleasant as that which we do for others; there is no gratification half so great, or one hundredth part so pure.

"From one point of view this Lawrence Asylum appears to me to possess a singular interest. When I

arrived at Madras last year, I was struck by the fact that, go where I might,—in churches, in cemeteries, in public places, I was confronted at every step with the records of Englishmen who had died for their country. Everywhere around, epitaph, or monument, or statue told, in short and simple words how, for the welfare of England, they had fought, and suffered, and yielded up their lives, upon those burning plains. There—in that vast and hardly-won Carnatic—it is not too much to say, that the whole land (in the words of the great Athenian orator) the whole land is a sepulchre of illustrious men. I came to these mountains, and here I found this noble and peaceful structure, assigned as a home to the children of British Soldiers who serve their country in this distant land, —a home where they are prepared, in a health-giving climate, for occupations suitable to their class of life. There I had seen how England could send forth men in endless succession to perish, if need be, without a murmur in her cause :—here I saw how she could care, while they lived, for those who cannot fitly care for themselves :—here I saw how she could respect their memory, and concern herself for those whom they have left behind.

"These two facts—the devotion to duty and the appreciation of it, the heroism and the gratitude,—go far to explain how our great empire in the East was won. I hope also they afford some indication that in the eyes of the world and of history we shall not be unworthy of the prize. That however, I am afraid we must admit, is still a doubtful question. We have

given to India material prosperity, firm and liberal government, some partial measure of mental cultivation: what we have now to do is to win her loyalty and her love. But for that great object some change is needed. We must care for our Indian populations as we care for those who are nurtured in this privileged place: we must show them that we are here, not for power and pelf, but to cherish, improve, and elevate the millions committed to our charge. We have given them roads, railways, and canals in plenty: but excepting always a favoured few, we have left their minds in a state of ignorance compared to which roads, railways, and canals are of small importance. For us who are here assembled it is surely a sad reflection, that over all that rich and varied scene which spreads from these mountains to Cape Comorin and from sea to sea,—rich in beauty, rich in material products, rich in all the wealth of natural creation,—the human mind, the mind of the vast majority of human beings is still—a desert. The question, the great question, which ought now to occupy the rulers of India is this—how to provide her, gradually but completely, with a system of popular instruction without increasing (and this is a consideration of which I am afraid we are inclined to lose sight) without increasing the pressure of our yoke upon her, without laying upon her a burden of taxation greater than she can bear. The problem is a difficult one; but it can, it must, and it will be solved. There are other changes which are required. About the intercourse of our public service, and especially of the more subor-

dinate members of it, with the natives of this country there still lingers that which is of all things the most senseless, the most groundless, and the most impolitic —a tone of superiority and contempt. When we tax them we are apt to forget that they cannot and dare not complain: when we punish them we are apt to remember that they are not of the same race as ourselves. But I think—I trust—that I already see signs of improvement in these respects: I indulge the hope that of late we have made some progress—some beginning of progress—in the affections of the people of India: and that the day is not so very far distant —that the day perhaps has already begun—when this magnificent dominion of ours will rest (as was once said by a great statesman) not on the narrow edge of the sword, but on the broader basis of a people's happiness."

The speech to the Presidency College, which follows, was delivered two years later, on the 19th of April, 1875, only a few days before the last paragraph in that speech received a most literal fulfilment:—

"MR. THOMPSON, LADIES AND GENTLEMEN,—I may assure you in all sincerity that no public meeting in which I might have been called upon to take part could have been a subject of greater interest and satisfaction to me than this, which commemorates the foundation and illustrates the success of an institution

in the highest degree important to the present and future welfare of this Presidency. Certainly in speaking thus of it I am speaking in no exaggerated language. Other institutions—and I am glad to be able to say it—other institutions, some of them originated and largely supported by voluntary effort, are pressing eagerly forward to imitate, to emulate, and to aid this their leader in the great work which is set before it. But to this we still look as our surest stronghold and our highest example, the keystone, as I may call it, of the stately fabric of which our University is the consummation and the crown. And I believe that this Presidency College will still justify our expectations—thanks to the talents and energy of its Principal—thanks to the able and accomplished gentlemen who, under his guidance, have done so much to place and to maintain it on its well-earned eminence of efficiency and repute.

"Now I think we may fairly congratulate ourselves —considering especially how limited have been the means which have been applicable to the purpose—I think we may fairly congratulate ourselves on the condition and prospects of the higher education in Southern India. All parts of India have indeed been vying with each other in successful action to this great end, and we may claim for Madras, without arrogance or presumption, a place in that beneficial rivalry of which (to say the least) she has no reason to be ashamed. It would be sufficient, if this were questioned, to point to the distinguished men who have owed to a course of training in our schools and

colleges their high position, their splendid powers, and their imperial renown.

"But, while we have cause to be satisfied with the success of our work, there is need of vigilance and caution, lest we should be blind to any defect in the machinery or any imperfection in the results. It has been frequently said, for instance, and I suppose there must be some truth in the statement, though I have never for a moment suffered it to be generally true, it has been said that students in our Indian Schools are students for one exclusive reason—the hope of obtaining employment in the public service; that among those who have been brought up in them reading or writing for the pleasure of it is scarcely known; that books are looked upon as mere stepping-stones to office, and as providing in themselves no food for enjoyment and no incentive to exertion. If this be to any extent the fact—for my own part I do not doubt that the case has been greatly overstated—but if this be to any extent the fact, it is deeply to be deplored. One object, one most desirable and valuable object, of the statesmen who planted and have followed with so much hopeful solicitude the growth of education in this country, was to prepare any who might receive it for taking, if opportunity should offer, a part in the conduct of public affairs. But it was a secondary, not a primary object. The primary object was not to clothe them with official authority, but to adorn and invigorate the current of their lives; not to put money into their coffers, but to give grace and strength and elevation to their minds; not to qualify

them for public employment, but to make them better and happier men. And for those who have interested themselves in this subject a bitter disappointment would be in store, if it should prove that in response to their efforts and in return for all their anxious care the youth of India were crowding to drink at the fair fountains of knowledge without one thrill of admiration or one sensation of delight; and that the choicest treasures of literature—of history—of poetry—of science—were cast contemptuously aside, as soon as they had served the coarse purpose of material advancement. Nor is this the only consideration. Among all the great motives of human ambition knowledge is incomparably the worthiest. But knowledge is jealous and exacting; she brooks no rival near the throne. And those who value her for the sake of the physical advantages which she brings to them will find that the physical advantages which she brings to them are less than if they valued her for her own. Whatever is most essential to success in life—prudence energy, self-command, swift apprehension, eloquent expression, developed faculties and high aspirations, proceed from literary and scientific study; but proceed from it in any but a very imperfect degree only when it is regarded not as a means to an end, but with a zealous, earnest and devoted affection.

"There is a feeling which should result from the education imparted here, and of which it would not be easy to over-estimate the importance. In Englishmen it is a gratifying and encouraging thought that we have been able to present, however partially, to

the people of India the glorious gift of mental culture. But the encouragement would be less keenly felt, the gratification would be seriously alloyed, if we could not hope that among the effects of our exertions upon the comparatively few who have profited by them, was this—a sincere and earnest desire to extend to others —to extend to the millions who are now excluded from it—a participation in the benefits of the boon. Ever since my arrival in this country I have felt that an imperative and paramount duty was now incumbent upon her rulers—some serious attempt to remedy, without adding to popular burdens, the colossal evil of popular ignorance. (I say without adding to popular burdens, because to refrain from impoverishing the people of India is even more important than to educate them.) It is impossible to conceive that any wish so unworthy as that for a monoply of intelligence—any thought but of compassion for all who are shut out from the light which they themselves enjoy—could find an entrance into the minds of those who have been instructed here. And I call upon them —upon you, my young friends, when you go forth into the world—upon all throughout this Presidency who have tasted the pleasures and advantages of intellectual cultivation—to assist by every means in their power —to assist the Government in the anxious and difficult but great and enviable task which lies before it—that of dispelling (though it is but by slow degrees) of dispelling mental obscurity which affects the poor, the industrious, the peace-loving, the law-abiding population committed to its charge. Much has been done,

admirably done, by public expenditure for the higher instruction among us, but it has been done in the hope and the belief that sooner or later, and however gradually, the higher instruction would reach a stage beyond which it might advance, as rapidly and as prosperously, without depending upon assistance from the State. It would seem that the time has already come, not indeed for such independence, but when some portion—some limited portion—of the funds now devoted to that purpose should in future be applied for the benefit of those who on the one hand are most in need of teaching, and on the other are least able to provide it for themselves. And we may confidently expect, from the generosity and good sense of that less numerous but more fortunate class which will have to submit to some small sacrifice by reason of the change, we may confidently expect, not reluctance and dissatisfaction, but cordial approbation and unhesitating support.

"One other remark I would offer, suggested by these proceedings. Some persons assert, that by promoting education in India we are doing that which is injurious both to India herself and to the stability of our own Government — that education bears pernicious fruit in personal independence and political discontent, which may result in changes disastrous to the interests of this country. Let no one believe it. Ignorance, not knowledge, is the parent of political as well as of moral evil. Every step in the progress of reason and reflection adds depth and strength to the foundation of an empire based on principles such as ours.

Education brings with it a sense—a delighting and ennobling sense—of power and freedom; but brings with it also a sense of the great duty of political subordination and enlightened liberality of thought which can appreciate the value, understand the difficulties, and make allowance for the defects of a firm and liberal administration. There is another and yet greater advantage. This invitation of the West to the East—this call to intellectual association—will prove (as I firmly believe) to have been the knell of every painful feeling that ever marred or impeded their intercourse. Misunderstanding, which is another name for ignorance, lies at the root of every kind and degree of national antipathy. Religious animosity, which is another name for unreasoning folly, cannot breathe in the pure atmosphere of mental advancement. The prejudice which could resist both time and civilisation melts away before the sympathy of thought. Men learn that the mere accident of race or faith can never affect either the motive or the obligation of mutual friendliness and respect, and that whether born in England or in India; and whatever may be the creeds and dogmas which have kept them so long and so lamentably asunder, their duty and interest for the present, and their hope for the future, is in reality the same."

On the 27th of April, eight days later, Protestants, Catholics, and Roman Catholics, Mussulmans and Hindoos knelt in united prayer around their Governor while his spirit passed away.

POLITICAL ESSAYS.

PARLIAMENTARY REFORM.

THAT the people of this country are not duly represented in Parliament appears to be admitted, though with much diversity of meaning, by every party in the State. But in view of the changes which will probably be made in the constitution of the representative body, it is above all things desirable that the real nature of its defects, and their relation to each other, should be distinctly understood, and the ground cleared for legislative action by removing from it the formidable impediments which are due to confusion of thought. For it is certain, notwithstanding perpetual assertions to the contrary, that the national representation is no exception to the general rule which prescribes clearness of apprehension and closeness of reasoning, comprehensive inquiry and systematic treatment, as conditions of success in the solution of social problems; and that, if this question is abandoned to the care of those who deprecate as "mere theory" all attempt at scientific investigation, and consider that there is nothing in common between statesmanship and thought, that which has already followed from such a

course will follow from it again,—piecemeal legislation, confusion worse confounded, and complete if not immediate failure.

The charge against the House of Commons which is chiefly and almost exclusively insisted upon is, that the great majority of the nation has no part actual or nominal in its election. But this is not the only important imputation to which it is liable, nor the first in point of logical order, nor that against which it is most difficult to defend. The first and most serious defect in the House of Commons is that it does not represent even those whom it professes to represent —the enfranchised portion of the community. It is obvious that the ordinary meaning of the terms "representation" and "representative government" is different from their literal meaning. Speaking literally, any nation the ruler or rulers of which are chosen by a considerable number of the citizens may be said to possess representative government. But this is not the ordinary meaning of the term. Representative government, in the sense in which it is commonly understood, and in which only it can claim the superiority usually ascribed to it over other political systems,—representation, considered as an instrument of political liberty,—implies political equality. No member of a community can be said to be "represented" in the technical and usual acceptation of the term, or to possess that liberty which such representation confers, who has not an equal share with each of the rest in the choice of its rulers. That such equality should exist may, or may not, be desirable;

but no one who is without it is "represented," or politically free. Political liberty (or more strictly speaking that measure of it which is conferred by representation) is the result of political power; of such a power in the individual as affords security that measures affecting his interests will not be adopted without either his own consent, or the consent of a majority of the whole electoral community. But in order that he may have this power, it is not sufficient that he should be entitled to a share in the election of the governing body. His share in it must be such as cannot be set aside by the superior share possessed by another person. As long as each elector has an equal part with each of the rest in the choice of the representative assembly, no political action can be taken by it without his consent (as expressed by his representative) or the consent of a majority of the electors. But it is otherwise if he has an inferior part in it. In that case the representative assembly may legislate, not only against the will of the elector, but against that of the majority of those who possess the franchise. He is therefore without that political power of which representation is the instrument and political liberty the result; he is not, properly speaking, "represented" at all. The most that he can be said to possess is an approach to the privilege varying with the degree of the inequality. It cannot be too often or too emphatically repeated, that without political equality there is no real political liberty. It may, or may not, be expedient with a view to the general welfare, which is the only true test of expediency, that a majority of

the citizens should be excluded from political power, or that of those who have it some should have a larger share of it than others; but it must never for a moment be forgotten that to those who are thus placed at a disadvantage is denied the privilege of "representation," and of that political freedom which representation is intended to confer.

Tried, then, by this test, it is evident that the representation which has been accorded to a limited number of persons in this country is far indeed from being of that kind to which the name is generally applied,—of that kind which is essential to "free institutions." Among those to whom the subject is familiar its inequalities are sufficiently notorious; but for the benefit of that numerous class to whom they are known only as "anomalies and irregularities" of no great importance and which it would be a pity to disturb for the sake of a theoretic symmetry, it is well that attention should from time to time be drawn to them. A majority, then, of the House of Commons, consisting of 328 members, all of whom (except 11) represent borough constituencies of the smaller class in England (including Wales) and Scotland, is returned by 250,291 electors, or about one-fifth of the whole electoral body; while about the same number of electors (244,459) in the larger boroughs return only 36 members, or about one-eighteenth of the whole House. The last-mentioned number of electors have therefore each on the average little more than one-fourth of the political power which they would possess if the distribution were equal, and only one-ninth of

that which is possessed by the former. Thus, too, the voters in the smaller English and Scotch boroughs, besides overwhelming beyond all possibility of competition the same number of voters in the larger, can (if they please) with the assistance of only 11 constituencies from the rest of the country (making altogether only about one-fifth of the electoral body), completely control the whole legislation and policy of the country. Again, of these smaller boroughs no less than 113 members (or more than one-sixth of the House) are returned by 82, containing only 49,000 electors, or about one twenty-fourth of the whole electoral community. Each of the 49,000 electors, therefore, has no less than four times his proportionate share of political power. But, further, of these 49,000 voters 11,000, or $\frac{1}{100}$th of the whole number in the country (being those of 30 of the smallest boroughs) return no less than 58 members, or about one-eleventh of the whole House. On the other hand (to take, out of many instances of contrast, one or two of the most striking), a constituency containing about the same number of voters (11,330), being no other than the important city of Birmingham, returns only two members. An elector, therefore, in any of these 30 boroughs has more than twenty-nine times as much political power as an elector of Birmingham; who, moreover, has only about one-third of the share which he would have in the representation if the division were equal. As compared with the not less important constituency of Manchester, the case of these 30 boroughs is still worse. That constituency numbers 20,458 voters, and returns only two members to Par-

liament; so that a voter in any one of the 30 boroughs has about *fifty-three* times the political power of an elector for Manchester, who has only about one-fifth of his proportionate share. Again, 467,000 voters, being those of the borough constituencies in England and Wales, return 338 members, or more than half the House of Commons; while a somewhat larger number of voters (519,000) being those for the counties of England and Wales, return only 160 members. An elector, therefore, of an English or Welsh borough has more than twice the amount of political power possessed by an elector for an English or Welsh county. Lancashire, with 37,000 electors, returns five members; Durham, with 1,800, returns two. Yorkshire, with 40,345 electors, returns only two members; while about the same number (41,426) in eleven other counties return *twenty-three*: so that the political power of an elector in any of these eleven counties is nearly *twelve times* that of an elector for Yorkshire. Other very decided though less startling inequalities pervade the whole list of county and borough constituencies throughout the United Kingdom.

Those who assert that this distribution of political privilege is the result of deliberation and intention assert that which (to say the least) is not very creditable to its supposed authors, however disinterested may have been their motives. For the only intention of any kind of which it can by any possibility be said to bear evidence is an intention to deceive; an intention to impose upon the country an oligarchy under the disguise of a representative government with a

high electoral qualification. But, in truth, no such account can reasonably be given of it. So far from being the result of design, it is the result of the failure of design for want of due regard to the future. Short views of national life, and political action looking only to the present, are its real causes. The original idea of the House of Commons—an idea which gained force and distinctness with the advance of civilization—was that of an assembly really representing the nation; and, on the whole, it may be said that in the early periods of its existence this idea was roughly and approximately realized. And it might probably have been so to this day, but that the royal power of designating constituencies and the number of their members fell into disuse; and, no substitute having been provided for it, the mechanism of representative government was brought to a full stop. Among places which, when first enfranchised, were about equal or not very greatly different in point of numerical importance, some (as was to be expected) increased and others fell off in population, while others became almost entirely depopulated. The intention was that the nation should be represented; the fact came to be that what used to be the nation was represented. Thus while the capacity for political freedom increased, political freedom itself diminished; and the evil advanced with rapid strides until it received in the Reform Act a check which from the nature of the case could only be temporary, and the inadequacy of which as a remedy is seen in the figures above cited. To maintain, then, the present apportionment of represen-

tatives to electors is not conservatism, but retrogression. It is an attempt, not to oppose the further advance of self-government, but to drive it from ground which it has already won. And the contending parties would more properly be termed, not the progressive and the stationary, but the conservative and the retrograde.

The only defence requiring consideration which has ever been set up for the maintenance of this singular arrangement is to the following effect:—That on the whole it "works well;" that with an assembly so elected the three branches of the Legislature have acted harmoniously together; that good laws have been made and well administered, and the affairs of the nation prosperously and satisfactorily conducted; that the very "anomalies and irregularities" which the system involves are important and even essential to the safe, effectual, and beneficial operation of parliamentary government as established in this country; and that to make any material change in constitutional arrangements which have proved in practice so successful would be dangerous and unwise. Expressed in a more logical form the argument is, that whatever may be the imperfection of the present system as a means of conferring representation and consequent political liberty upon those who possess the franchise, it fulfils the object of representation and of political liberty, which is "good government," better than an arrangement nearer in that respect to perfection could fulfil it; or at least that there is no such probability to the contrary as renders it expedient to incur the risk of change.

The answer to this argument is easy. It is not even necessary to inquire into the truth of the premises upon which it proceeds;—whether there is really any probability that the change would in a material degree derange the machinery of parliamentary government, or place the affairs of the nation in hands whose administration of them would be such that the nation would be a loser by the transfer; whether, for instance, any real injury to the tone and character of the representative assembly might be expected to result from an increase in the number of members for large constituencies which cannot be bribed as compared with that of members for small constituencies which can; or what is the precise importance of the supposed diminution of stability which Cabinets would undergo on account of the substitution of independent for dependent electoral communities. The case for revision and readjustment is complete, irrespectively of the answer to be given to these questions. Representative institutions, as distinct from other political systems, have two objects in view, one of which is the prevention of misgovernment (it being both probable from the nature of the case and proved by experience that government will be better in which the governed have some voice than in which they have none); but the other and by far the most important object is the prevention of government, whether good or bad, without the consent of the governed. Political subjection—the submission of the individual to one or more political rulers in whose choice he has no share, or only a share which can be nullified by the superior share of

another person—is an evil the same in kind, though never, in modern times and among civilized nations the same in degree, as personal subjection, or slavery ;* and it is obviously no answer to the slave to tell him that he is better off than the free man. The subject may by possibility be "better governed" (in the ordinary sense of the term) under despotism than under free institutions, just as the slave may by possibility be "better off" (in the ordinary sense of the term) than the free man. But slavery is not therefore better than freedom, nor despotism than liberty. There is a conceivable degree of comparative misgovernment, as there is a conceivable degree of comparative personal suffering, which, if it could be shown to be attendant on political or on personal freedom respectively, would justify the substitution for it of political subjection or of slavery. For, as we have seen, one

* Earl Grey, in his able and interesting Essay on Parliamentary Government and Reform, states, without hesitation, that "the possession of political power is valuable to the people, not for its own sake, but as the means of ensuring good government." It follows that the absence of political power, and therefore of political liberty, is an evil, not in itself, but as the cause of misgovernment. But it is not to be supposed that, on the one hand, Earl Grey considers that slavery is no evil in itself, or that, on the other, he considers that there is any distinction in *kind* between subjection to one or more self-chosen political rulers, which is despotism or oligarchy, and subjection to a self-chosen proprietor, which is slavery. And if there is no distinction in kind between them, and if one is an evil, so must be the other. It is possible that Earl Grey may believe that the absence of political liberty, though in itself an evil, is in itself an evil in degree so small as to be inappreciable. But no one who reflects upon the immense power which governments exercise, not only in theory but in practice, over the governed will be inclined to endorse such an opinion.

of the objects, though by far the least important, of representative institutions is good government, just as one of the objects of laws against slavery is to prevent the ill-treatment of the slave; and if it can be shown in any case that this object will be better attained by other institutions, those institutions are, *pro tanto*, to be preferred. But, as in case of laws against slavery, so in that of representative institutions, the superiority in point of importance of that other object —the possession by the individual of a voice in the regulation of his own affairs—is such that the degree of comparative misgovernment which those institutions would involve must be extremely great to be conclusive as an argument against them. It is true that this consideration is of more force with respect to personal than to political subjection, because the denial to the individual of any voice in the management of his own affairs is in practice more direct and complete in the former than in the latter, and therefore the superiority in point of importance of the object which consists in preventing that denial as an evil in itself is greater when the question is one of personal than when it is one of political subjection. But even when the question is of political subjection, the superiority is great and the argument valid. The value of institutions which secure the individual against an assumption on the part of persons unauthorised by himself to make laws affecting his person and property, and which preserve for him the vast benefits, moral and intellectual, of self-dependence, is such that even a very important gain as regards the mode in which the

nation was governed might well be insufficient to compensate for their loss.

It is therefore of no avail, as against any proposal for an extension or development of the representative principle, to contend that good government is sufficiently provided for at present, and that there is no saying but that government might be worse if that principle received a further application. Before present good government can be admitted as a conclusive reason against such a proposal, it must be shown, not that the government which would follow upon its adoption would be no better and might be worse, but that it would be signally and ruinously worse; that a degree of suffering on the part of the majority of the community would ensue which would overbalance the immense intrinsic advantages of self-government. But this certainly cannot be shown to be the case so far as regards the class which is now nominally represented. To say that the gift of real representation to this class would be attended with such a degree of misgovernment as would not be compensated by its advantages is to say that one million and a quarter out of seven millions of Englishmen cannot safely be entrusted with political liberty. Nor is it probable that the assertion would be made by any thoughtful politician, but for another defect (to be presently noticed) in the constitution of the House of Commons as intended to represent existing voters, and which is a real, though certainly not an insuperable, objection to the more equal distribution of electoral power. For this if for no other reason a simple correction of the evil now under consideration

would not satisfactorily meet the necessities of the case. Moreover, a mere temporary redress of the balance, such as might be afforded by transferring seats and by "grouping" or disfranchising boroughs, would be only an imitation of that wisdom of our ancestors of which we now see the result. What is to be desired is an arrangement which by some self-acting process will be capable of adaptation to the constantly-changing numerical relations of local divisions; under which it will be no longer possible that a constituency which now returns an equal number of members with another constituency of equal dimensions will continue to do so when outnumbering it tenfold, and that the nation should consequently be liable about once in every ten years to violent constitutional changes; and which will not, while correcting one evil, fail to correct another of which it may have counterbalanced and neutralised the mischievous operation. It is, therefore, eminently desirable that in any proposed measure of reform the subject should be viewed as a whole. Enough of mischief has already been done by isolated attacks upon the constitution—by independent and disjointed legislation. It is advisable once for all to inquire whether some comprehensive and satisfactory system of national representation cannot be discovered, instead of endeavouring from time to time to patch up, when they become too flagrant to be any longer tolerated, the grievances which are caused by the absence of all system whatever. A scheme of this kind—the result of the highest ability applied to a careful and impartial study of the subject

—has been proposed by Mr. Hare, and has had the singular fortune of being unanimously approved both by philosophers and statesmen, and unanimously treated as impracticable by the latter on account of its novelty and supposed complication; as if nothing which is novel, however excellent, had any chance of being adopted in this country, and as if any amount of complexity the result of regulation were not preferable to the existing inconsistency, confusion, and injury to the best interests of the nation resulting from the total absence of it. The fact, however, is that the complication, so far as the voter is concerned, has absolutely no existence, the duty devolving upon him being merely that of writing down upon a voting paper the names of as many of the candidates who appear on the general published list as he pleases; while, as regards the returning officers and the registrar-general, the complication is certainly not such as to render their duties either unintelligible or difficult of performance to any person qualified in other respects to discharge them.

The ground-work of Mr. Hare's scheme is the provision that any candidate who could obtain the votes of a number of electors (wheresoever resident) which, supposing that there were as many constituencies as members and that the constituencies were numerically equal, would be the number of electors in each constituency, should be entitled to be returned. It is obvious that in this manner the evil which is here in question —the unequal apportionment of representatives to electors—would cease, not only for the present but

beyond the possibility of recurrence. At the same time (as will presently be seen) the other great defect, which is next in due order of consideration, in the electoral apparatus of this country would be completely removed; while a reality and vitality would be imparted to the representation of which it is impossible to overestimate the advantages. Nor would the local character of the elections be abandoned. The votes would be taken, as now, locally. The candidate would be a candidate for some specified constituency; and the electors, if sufficiently numerous to make up the required number of votes, would have the power they now possess of returning a member interested in the locality in which they reside. It is only by a scheme such as this, or at least by some measure which shall at once lay the foundation and prepare men's minds for the completion by easy and natural transitions of such a scheme, that any satisfactory improvement can be effected in the political condition of this country.

The failure of the House of Commons in the manner which has just been considered to represent even those who are legally qualified to vote is peculiar to itself. Its failure in another respect to represent them is shared by other existing representative assemblies. Like all legislative bodies which are elected by the system of local majorities, the House of Commons does not represent the electors, but only that portion of them which consists of the aggregate majorities. It is contended, indeed, that the electors whose candidate is defeated, or who do not vote because they

know that they are in a minority, have no reason to complain, because their opinions are represented by the members for other constituencies in which those opinions prevail. But, in the first place, supposing this to be the case, they are not represented by members whom they themselves, but whom other persons, have chosen. In the next, the statement is only so far true as that, in the existing division of the nation into two great political parties, an elector who wishes to return a particular candidate and is unable to do so in his own electorate, may console himself with the reflection that some person belonging to the same party as that candidate has been returned in another. But there are, or may be, in every constituency electors who, if they had the power, would elect their representative on a totally different ground than that he belonged to the Conservative or to the Liberal party,—as, for instance, because he was an advocate of peace, or of economy, or for reasons entirely independent of his political opinions, and simply because he was a person in whom they could confide, and whose political guidance they would be content to follow. To these electors it is obvious that the argument is wholly inapplicable. It applies only, so far as it has any force at all, to those whose preference of a candidate is grounded on his adhesion to one of the two principal parties which happen for the time to be struggling for ascendancy. And even to these it would not apply in the event of any considerable reduction of the franchise. The majority in every constituency would in that event consist of manual labourers, whose

opinions would therefore prevail, if the present mode of election were to remain unchanged, to the almost total exclusion of the better educated minority.

If, indeed, it had been made for the express purpose of providing that democracy in this country should be entirely "unbalanced," no arrangement could possibly have been better contrived. Under the present restricted suffrage and inequality of representation its injurious operation in this respect is comparatively little felt; and it is this consideration which has been before referred to as constituting a real objection, so far as it goes, to any measure for the removal of that inequality, and as rendering it desirable that such a measure (of which, however, the advantages would in any case greatly exceed the disadvantages) should include a remedy for the evil now under consideration. But, whenever any large increase shall have taken place in the number of those entitled to the franchise, the mischief will be of a far more serious kind. A suffrage either universal or widely-extended is a very different thing under an electoral system which permits the class best qualified for the exercise of political functions to return members whose number is proportionate to its own numerical importance, and under one which permits it to return no members at all. It is not too much to say, that unless this flaw in the electoral machine is first corrected any proposal for a very large reduction of the franchise will be far less easy to defend. There can be no doubt that the fact which more than any other has brought discredit upon free government as established in the United

States, and made that great experiment a partial and questionable instead of a triumphant and universally acknowledged success—the absence of the first intellects in the country from the helm of public affairs—is due to that misapprehension on the part of its founders which prevented them from perceiving that perfect liberty was to be attained, not by the method of local majorities, but by that of personal representation. It is hard upon democracy that the examples of it with which men are familiar should be mere counterfeits, failing, in a manner so injurious to its reputation, to satisfy political needs.

In order that each elector may receive the full benefit of the representation to which he is nominally entitled, it is necessary that he should have a share, equal to that of any other, in the election of the representative assembly, in such a sense as that some member of it should owe his return to the vote of that elector. If there is no member of the assembly for whom the elector has voted, he is not, strictly speaking, represented in it. Hitherto it appears to have been thought that this the true ideal of representation was not in practice attainable; and that the only feasible mode of applying the principle was to divide the electoral community into sections, or to take existing local divisions, and assign to each its due number of representatives. Thus, supposing (for the sake of simplicity) the electoral body to consist of 500 persons, and the representative assembly of 10—according to the ideas hitherto prevalent the nearest approach to a just arrangement would be to divide the whole

number of electors into sections of 50, each returning one member. In this manner it is evident that perfect representation is very far from being attained; for where (as will usually be the case) there is more than one candidate for each section, the choice of the section is the choice of the majority in it; and the minority, however considerable, have no part in the election of any member of the assembly. It was not generally perceived that by an arrangement perfectly simple in principle but involving some complication of detail, providing that every candidate should be returned who could obtain the votes of any 50 electors (each elector being required to furnish a list of the candidates whom he preferred, in the order of his preference, so that, on the one hand, no vote would be superfluous, and, on the other, any voter would be able to co-operate with any one of the rest for the purpose of making up the necessary quota of 50), the object which is essential to real representation—the actual possession by each elector of an equal share in the nomination of the ruling body—would be either completely or approximately attained. This is, in effect, the scheme of Mr. Hare; and it supplies a complete and satisfactory solution of the problem to be solved. That which it ensures is not so much the "representation of minorities" (which Mr. Hare very properly declines to accept as a correct designation for the purpose which he has in view) as the wider and more important object of giving to every enfranchised person his due weight in the political scale—of imparting throughout the country a real and practical value to

the possession of a vote, a sense of responsibility and a healthy and elevating motive of action to the voter, and a consequent character to the representative assembly far above that which it has hitherto borne. Being no longer restricted to the two or three candidates, perhaps wholly unknown to them, whom party organization or the local attorney has provided, the electors would have before them the wide field of choice which the general published list would afford, and which would be enriched by the names of men of distinction and ability in every branch of knowledge, who would offer themselves with a fair prospect of obtaining the "quota" necessary for election. Numbers of electors who now, for want of a better motive, are induced to use the franchise as a means of obtaining some personal advantage for themselves, would employ it, as it ought to be employed, in giving expression to their political views, or in returning to parliament some person on whose judgment and wisdom they could rely; while every constituency would be represented by a member whom it had unanimously chosen, and no longer as now by a member of whom it may know nothing, and of whose opinions a considerable number of the individuals composing it may heartily disapprove. It has been already remarked, that the local character of the representation would still in a great measure be preserved; nor is it possible to conceive that any loss would be sustained by the principle of localization (the value of which, whatever it may hitherto have been, is rapidly receding before facility of intercourse, diffusion of know-

ledge, and increased political sympathy) sufficient to counterbalance the immense advantages of the scheme. It will be seen from what has been said how utterly inadequate to satisfy the requirements of the case, and of how little remedial value compared with the plan of Mr. Hare are the proposals for the "representation of minorities" by such methods as that which, by assigning three members to each constituency and allowing each elector to vote only for two or only for one of them, or retaining his three votes to give them all to one candidate, would enable a minority not less than one-third of the constituency to return one member. An expedient of this kind, though an improvement so far as it went, would be no more than a very partial remedy for one form of the evil, and would be valuable chiefly as an admission of the true principle and a step to its adoption.*

Thus far we have been considering in what respects the House of Commons fails to represent those by whom it professes to be elected, and what is the true nature of the remedy required. We have now to consider the charge which is most frequently and urgently brought against it—that it does not even profess to represent more than a section of the community not much exceeding one-seventh of the whole adult male population; and to inquire whether this limitation is one which it is desirable, wholly or partially, to remove.

* Some admirable observations upon this branch of the subject will be found in the 7th chapter of Mr. J. S. Mill's work, "Considerations on Representative Government."

It may be stated confidently and at once that there is one portion of the community whose exclusion from the franchise, except in so far as it may be a matter of practical necessity, is unjustifiable, and which consists of all who are equal in point of social position to existing voters; since it must be considered as an established proposition that the enfranchisement of every person who comes up to that particular standard of property and intelligence is possible without any such detriment to the general welfare as to throw doubt upon its expediency. Two classes of persons are now excluded in contravention of this rule. First, those who are excluded by a condition of enfranchisement which neither is nor pretends to be any test of social position—that of residence in one locality rather than in any other. Of whatever importance, as a criterion of social position and therefore as a qualification for the exercise of political functions, may be the possession or occupation of a house of a certain value, the mere place of residence can certainly be of none. There may be some foundation in reason for refusing electoral power to any person because his rent is 6*l.* rather than 10*l.*;—there can be none for refusing it to him because he resides in Hartlepool rather than in Sunderland,—in Chelsea rather than in Lambeth. There might be some apparent, though there would be no real, justification for this favouritism if the privileged places were of greater numerical importance than the unprivileged; but the fact is notoriously the reverse,—there being many towns with small populations in which an inhabitant otherwise qualified has a

vote, while there are many others with large populations in which he has none. The second of the two classes consists of those who are excluded, not simply because they reside in one part of the country rather than in another, but because there is a higher electoral qualification for the place in which they reside than for other places;—of those who are debarred from the suffrage by the regulation, and by that only, which gives the franchise in boroughs to householders paying a rent of not less than 10*l.*, and in counties to householders paying a rent of not less than 50*l.* In respect to both these classes of unenfranchised persons the case for an extension of the suffrage is complete and unanswerable.

There remains the important question — whether (assuming that the existing conditions as to age and sex, to which might properly be added the payment in some shape or other of taxes, are expedient, and setting aside exceptional disqualifications) there is any good reason for the denial of political liberty to the rest of the community. The alleged ground of that denial is the danger of misgovernment consequent on their admission,—the argument being that, since the political liberty which is conferred by representation is valuable only as conducive to good government, any extension of that liberty the probable result of which would be a loss on the score of good government would be destructive of its own object. But we have already seen that, while one of the objects of representative institutions is political liberty as a means of good government, the other and far more important object

is political liberty in itself;—that as regards any proposal for an extension of the suffrage the question is, not whether it would lead to misgovernment, but whether it would do so in such a degree as to outweigh the intrinsic advantages of the political freedom which it would confer;—and that to produce this effect the amount of misgovernment apprehended must, looking to the relative importance of the two objects of representation, not only be considerable, but extremely and disastrously great. It has not been thought necessary in this paper to advance arguments to prove what has been said as to the comparative value of those objects. It is sufficient to observe (as has been observed already) that political subjection is an evil of precisely the same kind as slavery, and in degree by no means so far removed from it, even in modern times, as to prevent the two evils from being justly regarded with the same kind of aversion; and that the sacrifice of material well-being at which it is worth while to purchase emancipation from slavery may assist in forming an estimate as to the cost in point of misgovernment at which it is worth while to purchase political freedom.

In order, then, to arrive at a sound decision upon this question it is necessary that we should inquire in what degree misgovernment might reasonably be apprehended as a consequence of any considerable extension of the franchise. The only ground for anticipating any such consequence at all is, that if the change were made the less numerous of the two great classes into which society is divided would on any

disputed question be outvoted by the other. Two distinct evils are expected to follow from this predominance of the more numerous class. The first is, that this class would, in cases where their respective interests appeared to be opposed, legislate with a view to its own supposed advantage, to the immediate detriment of the other class and to the detriment, immediate or ultimate, of all—in other words, that which is known as "class legislation." Now it cannot of course be meant that the democratic as compared with a less popular form of government must necessarily and in all cases be objectionable on the ground of "class legislation." Other things equal, class legislation when the class which legislates consists of six million persons is a less evil than when it consists of one million. Other things equal, class legislation by the small minority which now predominates in this country would be a greater evil than class legislation by the majority which would predominate under a greatly reduced franchise. But it is said that in this country other things are not equal. The condition of the more numerous class is (it is contended) such as, in estimating the comparative evil of class legislation in the two cases, to overbalance the consideration of its numerical importance. The measures which for their own supposed advantage they would adopt, if invested with supreme authority, injurious immediately to the other class and injurious ultimately to all, would be greater both in number and in the degree of the injury which they caused, than the measures of the same character adopted by the minority now in power.

Being less instructed, they would be more frequently blind to the evils which a course of action apparently beneficial to themselves would sooner or later inflict upon them; being poor, they would be more disposed to disregard, even if they saw it, the ultimate injury for the sake of the immediate gain. Thus, though the welfare of the majority is more important than that of the minority, and though, if the interests of either are to be sacrificed to those of the other, it is better (supposing the sacrifice to be in both cases equally great) that they should be those of the minority, yet the evils of class legislation by the former would be greater than those of similar legislation by the latter, because the mischief which it would cause would be more frequent and more severe. The substitution of class legislation by the numerical majority for that which exists under the present system would, in one respect, be a gain to the community. It would be a gain in so far as this—that any immediate benefit which such legislation implies to the dominant class would be received by a greater number of persons than at present. But, on the other hand, the injury which it would inflict upon all would be greater and more often repeated; and the loss in this respect would be greater than the gain in the other. Such appears to be the only sense in which "class legislation" can with any reason be adduced as an argument against the proposed change.

The second of the two evils apprehended from such a readjustment of political power is, that many of the measures adopted by the Government with a view to

the interests of both classes equally would be of a seriously objectionable character; first, because the dominant class, being poor, would regard the immediate and pecuniary interest of the two classes rather than their ultimate and higher interest; and secondly because, being ignorant, it would, where there was any room for question, frequently form wrong conclusions as to the course which would be most conducive to the general welfare.

There can be no doubt that, as against a general admission of the now unenfranchised classes to the suffrage, these considerations are entitled to much weight; but there are others, not obvious at first sight, which tend to diminish their cogency. In the first place, the immediate cause of the evils apprehended—the superior power which would be possessed in the legislative assembly by the numerical majority—would exist in a much less degree if (as it is here assumed would be the case) a more rational and equitable system were substituted for that of election by local majorities. If, by the adoption of such a scheme as that proposed by Mr. Hare, the vote of every elector were brought into action and had its due share in the composition of the governing body, the wealthier and more instructed part of the nation would be represented in proportion to its numbers, instead of being, as it would be if the existing electoral machinery were retained, wholly unrepresented because it was in a minority. Moreover, the members returned by this class, though forming a minority of the House, would derive from their intellectual and moral superiority an

influence which would go far to compensate for their inferior numbers. The source, therefore, of the two kinds of misgovernment which are anticipated from the change—class legislation and ill-considered or injudicious political action—would be far less operative than the argument supposes. In the next place, the class legislation which under the new order of things would be substituted for the class legislation now existing would be in one respect the less objectionable, because the less complete and exclusive, of the two, since it would be modified and held in check by the representatives of the least numerous class; whereas the class which is now the least numerous is absolutely unrepresented. Nor must it be forgotten that the popular assembly would represent those whom it is proposed to enfranchise not as they now are, but as they would be if a voice had been conceded to them in the government of the country; and that the mental improvement which they would derive from the exercise of the privilege might possibly be immense, and would certainly be considerable. It is reasonable also to suppose that in ordinary times the members whom they returned would not be mere delegates representing their extreme opinions, but rather leaders in whom they could trust, and to whose better judgment they were willing to submit. Nor can it be said that, with regard to questions which concerned the common interest, the more numerous class, though comparatively poor and ignorant, would be invariably or even generally on the wrong side. Before this can be asserted, it must be proved beyond possibility of doubt

that such questions as those which relate to the privileges of the national Church, to public education, to the foreign policy of the country, and to other subjects of extreme importance, have been rightly decided by the class which has hitherto held sway. In one respect, indeed, the poverty of the majority would be in favour of good government, since it would incline them to insist on a moderate scale of public expenditure, and on an economical conduct of public business, the substitution of which for the wasteful administration shown, especially of late years, to be incidental to a restricted suffrage would be a great and important improvement.

Notwithstanding these qualifying circumstances, it would be unreasonable to deny that, in the absence of experience in a similar case, the concession of manhood suffrage in this country would, looking to the actual condition material and mental of a large number of the operative class, be attended with serious risk. There can be no doubt that many of those who are now unenfranchised are poor and uneducated in a lamentable degree, and that the fear that their poverty and ignorance would, through their representatives, very injuriously affect the legislation and policy of the country is far from being without foundation. For although, as already observed, the superior qualifications of the members returned by the minority would be of powerful countervailing influence, yet where the passions or physical necessities of the majority of the electors were concerned, they would probably use the power which they would undoubtedly possess to give

effect to their own views, and would in such exceptional cases send to parliament members pledged to support those views. Communistic laws, and laws more or less directly and unduly affecting the rights of property, and, under the head of general legislation and policy, a less strict observance of the obligations contracted by the government towards its own subjects and towards foreign nations, wherever those obligations pressed hardly upon the indigence of the majority, might not unreasonably be apprehended. It is indeed far from improbable that such apprehensions might prove unfounded. Some of the reasons which tend to modify them have already been stated; and we have seen that, in several important respects, measures which would be considered as improvements by many thoughtful and disinterested men would be the probable result of the change. But, on the whole, and prior to any satisfactory experience to the contrary, it may be admitted that the indiscriminate gift of political power would be likely to bring with it a degree of misgovernment more than sufficient to counteract even the great intrinsic value of the political emancipation which it would imply.

But, though this may be admitted when the proposal is to give a share in the representation to every person of full age and not exceptionally disqualified, the case is very different when what is proposed is only a large but limited extension of the franchise. There is, undoubtedly, a very considerable number of those now unpossessed of votes of whom it may safely be said that the benefit which would be derived not only by

themselves but by the community at large from their admission to political power as an advantage in itself would by no means be counterbalanced by any loss which on the score of good government it might entail. There are considerations, as has already been shown, which make it possible, though not probable, that no such equivalent injury would follow the concession even of universal suffrage; and the possibility becomes a certainty when the same reasoning is applied to the case of the better educated and better paid portion of the operative class. It is unquestionable that a very large section of that class is as least as well off, whether as regards their material or mental condition, as were those to whom the franchise was given by the Reform Act. And if this be conceded, the concession amounts to an acknowledgment of the claim of that section to the franchise. For, admitting that there is a certain standard of intelligence and property below which it is dangerous to invest with political power, no one in these days will be disposed to deny (though the imperfection of existing electoral arrangements has prevented the proposition from being thoroughly tested), that the electors under the Reform Act come up to that standard. What are the real limits of that section, and what is the criterion by which the claim of any individual to belong to it may be most satisfactorily ascertained, are questions on which statistical information is as yet extremely imperfect, and a reply to which would be one of the most important preliminaries to the preparation of a Reform Bill. The proposal of a 6*l.* suffrage (though it might probably be adopted

with perfect safety) appears to have been made very much at random, and to be based on no knowledge even approaching to accuracy in regard to the number or the character of those whom it would enfranchise. The problem is to discover what is the best test which will provide for the admission to the franchise of that number of persons, certainly very large, between whose qualifications for it and those of a still more numerous class below them there is a broad line of distinction. That some such line can be drawn there is sufficient reason to assume: but the duty of drawing it, and of deciding as to the best mode of ascertaining for electoral purposes to which side of it any member of the community belongs, has never yet been properly performed.

It has been suggested by Mr. Mill, while admitting the serious dangers which would attend upon universal suffrage, that the case should be met by an arrangement which, while enfranchising all who possessed the simplest rudiments of education, would give a plurality of votes to the more instructed minority, on the ground that, though every person of full age and not exceptionally disqualified ought to have a voice in the management of affairs which concern himself and the rest of the community, he ought not to have an equal voice in them with another person intellectually his superior. Upon this it is to be observed, that such an arrangement would not confer political liberty upon any one to whom it gave only a single vote. We have seen that no one can properly be said to be politically free whose share in the election of the ruling power

can be rendered nugatory by the superior share in it given to another. If therefore this suggestion were acted upon, real political liberty would still be denied not only to those whose admission to the suffrage could not, as we have found reason to fear, be effected without undue risk, but also to those for whose continued exclusion there is (as has been shown) no sufficient ground. It seems obviously better to give the substance of the privilege to those upon whom it may be safely conferred, than to give, in the manner proposed by Mr. Mill, the shadow under the name of the substance to the entire number. As against a graduation of the suffrage with the same object according to the amount of property possessed by the voter, tested by the value of his house or by the payment of rates or in any other manner, precisely similar reasoning applies; but with this addition, that in this country political privilege conferred solely on account of superior wealth is looked upon with peculiar aversion. By the proposed arrangement this cause of offence would be given in a manner direct and undisguised beyond all precedent, and which would ensure for it an unpopularity such as might alone be sufficient to prevent its adoption.

In the foregoing observations an attempt has been made to indicate the principles and method of proceeding upon which any plan of reform ought to be framed such as would meet the real exigencies of the case otherwise than by a mere temporary concession to unreflecting clamour. What is required is some general, consistent, and comprehensive measure with a

threefold object: first, to make representation once for all that which it professes to be, by providing, under arrangements which would adapt themselves to the changes necessarily incidental to the progress of time, for a more equitable apportionment of members to constituencies, and for the enfranchisement of that class of so-called electors who, finding themselves in local minorities, are in reality without the benefits of representation; secondly, to enfranchise, so far as is possible in the absence of a perfect test, all, without exception and wheresoever they may reside, whose condition in life is not below a certain fixed level; and, thirdly, so to fix that level as to admit to the suffrage that large number of persons now unenfranchised whose admission would (as we have seen) be attended by no such probable detriment to the general welfare as to outweigh its advantages. For the attainment of the first of these objects, which is by far the most important, since it is no less than the construction of a sound basis of national representation, but with respect to which there is much of what may be termed mechanical difficulty, a machinery has been provided by Mr. Hare so admirably adapted, that it may be said to be the natural and proper instrument for the purpose. Public writers and speakers, who create in some sort the very evil which they assume, are in the habit of affirming that such a scheme will never be listened to by the people of this country. It is difficult to believe that the people of this country will really require that this subject shall always be dealt with by those who govern them without any

regard to the rules of political science (which is only another name for common sense applied to politics), contemptuously rejecting every well-considered measure, and giving heed only to those which have thoughtlessness to recommend them. But, if this is indeed the case, and there is really no hope of anything like a systematic and rational reform, any attempt to throw light upon the real nature of the problem will not have been without its use. Something will have been done if, while condemned to work in the worn-out grooves which tradition has laid down, reforming legislators have before their eyes, and avail themselves whenever they can, of the true conditions of the question; if they remember, and act upon the recollection, that it is not by any mere "redistribution of seats" as commonly understood, or concession of the franchise to lodgers, or random depression of the electoral standard, nor by a combination of such expedients, that any statesman-like improvement will have been effected, unless some attempt is at the same time made to substitute reality for fiction, a living and energizing presence for little more than the lifeless image of political freedom, and order for the chaos which now bears the inappropriate name of a representative system.

ON "INTERVENTION," MATERIAL AND MORAL.

In an ordinary community violence and bloodshed are prevented, and the rights of individuals so far as is possible secured to them, by legal institutions. Laws, and executive arrangements under the sanction of laws, are made for the protection of person and property; tribunals are erected, some for the trial of persons charged with offences against those laws, others for the settlement of disputes and conflicting claims which cannot be amicably arranged; and means are provided to prevent any attempt at a violent solution of such differences. These institutions depend for their efficacy mainly upon their fulfilment of two conditions,—first, that the tribunals thus created are impartial, that is, that they are composed of men who have no personal interest in the result of their decisions; and, secondly, that the community has at its disposal such an amount of physical force as precludes all chance of successful resistance to their decrees. If the first condition were wanting, such measures might prevent violence and bloodshed, but they would entirely fail to afford security for just dealing as between the members of the community. If the second condition were

wanting, they would accomplish neither one nor the other of these objects.

In a community composed of nations no such institutions are possible. Tribunals might indeed be established, consisting of one or more states, for the settlement of disputes and claims which did not admit of amicable adjustment, and for the trial of offences against the recognised rights of property or sovereignty resident in each state; but such tribunals would be inefficacious, because it would be in the power of any nation, unless to an exceptional degree deficient in physical force, to resist their decisions with more or less probability of success, and because the condition of international relations is such that in almost every case brought before a state thus armed with judicial authority its own interests would in some way or other be concerned. Thus the first of the conditions above mentioned—that of impartiality—as well as the second—that of sufficient coercive power—would be absent from such authorities. Regular executive arrangements for the preservation of order and the prompt suppression of violence are for the same reasons impracticable in such a society. Its members may, and do, agree among themselves, tacitly or explicitly, that certain proceedings on the part of one towards another analogous to outrages upon person and property in an individual community are crimes, and if possible to repress them; and they may agree, and have agreed, with a view to the general welfare, upon rules for the settlement of certain questions of international equity which experience has shown to be constantly arising in

their dealings with each other whether in peace or war. But even these arrangements, expressed or understood, which are dignified with the name of "international law," and which if enforced without resistance would mitigate only to a small extent the evils consequent on the absence of legal institutions, they have no absolute power to enforce. Any nation may, if it pleases, resist to the utmost the application of such regulations to itself; and even in the event of a combination of powerful states to enforce them, which international jealousies make difficult and rare, an expensive and calamitous war might be necessary for the purpose.

The community of nations, then, is a community in which law, in the ordinary sense of the term,—the sense in which it subsists and is effectual in an ordinary society,—has no existence. The natural consequences of anarchy follow. The military power possessed by each nation being its only means of defence against aggression or insult, and of obtaining that to which it considers itself entitled, or which without any such consideration it is resolved to obtain, blood will from time to time be shed, and acts of injustice will be committed or contemplated, either by means of successful war, or, where there is on the side of those who commit or contemplate them a great superiority of force, without any disturbance of the peace of the world. Is it, then, or is it not, the right or the duty of a nation, besides providing for the defence of its own territory and for the maintenance of its own rights and interests, to interfere by force

with the proceedings of one state towards another or between two parties in the same state, for the purpose either of preventing bloodshed or of securing justice, or for both these objects combined? Such is the question which the more powerful nations are perpetually called upon to solve, but of which, though it has become the battle-ground of conflicting opinions whose watchwords are "intervention" and "non-intervention," very little attempt has yet been made at a scientific solution.

Now it is obvious that there are many cases in which a nation may consider that it has the "right" to intervene, but in which it may be deterred from doing so by the reflection that intervention could only be successful either at the cost to itself of irresistible armaments, or at the cost to itself and to the world at large of actual war. In order therefore to determine whether, in a given state of affairs not requiring action on account of its own rights and interests, a nation ought to intervene, it is necessary to inquire first, whether the case is one in which it might properly intervene supposing that it could do so without expense to itself, and without actual war; and secondly, if so, how far it is justified in intervening, if one or both of these evils must be the consequence of the measure. If the distinction between these two questions had been borne in mind, much confusion of thought and misapprehension on this subject would have been avoided. It is objected, for instance, to the supporters of non-intervention, that they are advancing a "selfish" policy. It is clear, however, that the

objection cannot possibly apply to an advocacy of it which is based upon the ground that a negative answer must be given to the first of these questions. A course which is adopted because the opposite course is unjustifiable is not adopted for selfish reasons. It is only where non-intervention is the result of considerations such as those to which the second question—the question of cost—relates, that any pretext whatever is afforded for imputing selfishness to the policy. How far such an imputation would be well founded we shall presently have occasion to consider.

First, then, what are the cases in which a nation would have a right to intervene, supposing that it could do so without expense to itself, and without having recourse to war? It would seem that, in the general opinion, there is on such a supposition scarcely any limit to that right, at least as between distinct nations. Yet it is certain that in a large class even of international dissensions no such right can exist. The disputes or conflicts in which any two nations may engage are many of them of a kind in which a third nation not itself concerned in the result has no sort of qualification for passing judgment, and therefore no right whatever to interpose. In general, it may be said that where the subject-matter of the quarrel is one which, fairly considered, admits of dispute,—where the proceeding which it is proposed to prevent is one of which the criminality or injustice is matter of question,—in other words, where the case is such as, if brought before a legal tribunal, would be decided upon not as presenting no sort of doubt or difficulty, but

only after discussion or deliberation,—"intervention" is not justifiable. In such circumstances neither of the two nations concerned can be expected, or ought to be compelled, to accept the decision of a third, which is neither invested by common consent with judicial authority, nor is possessed of any qualities entitling it to decide. The tribunals by which, in an ordinary community, such differences are settled are deliberately selected by the society itself, are supposed to be endowed with information or intelligence peculiarly fitting them for the purpose in view, and are understood to be wholly free from personal interests in the questions submitted to them; in all of which qualifications (in two of them invariably, and in the third very frequently) an intervening state is deficient. As regards intelligence, not only is there no special qualification, but the dense ignorance which exists in all countries as to the political condition of others, and as to the views, opinions, and modes of thought prevalent in them, and the apparent impossibility which pervades a body-politic of looking at international questions from any point of view but its own, constitute a positive disqualification for judicial power. As regards impartiality, there is, indeed, by the supposition, no such direct interest in the issue as could be supposed to justify intervention; but the circumstances of the case are almost always such as to ensure a very decided bias in the judgment formed of them in a third country. Considerations as to the manner in which its own trade will be affected, jealousy of the growing wealth and power of other states, historical associations, dynastic

alliances, antipathies of race, and prejudices of education, as well as other causes, operate with nearly absolute certainty, where there is any doubt as to the justice of the case, to preclude impartial judgment. Accordingly, we find that the verdicts pronounced by nations upon the conduct of their neighbours have, in by far the greatest number of such instances, been wrong. "In the large volume of human folly there is no page longer or more discreditable than that which contains the judgments of nations upon each other." * Even if this were not the case, the enforcement of such judgments would be indefensible, the objection to it being not only that they are frequently or generally wrong, but also that those against whom they are directed cannot fairly be expected to accept them. It may be said that, since the community of nations is one in which law, as ordinarily understood, does not exist, the world must be content with the best substitute that can be found for it, and that it is better that the peace should be preserved by the self-constituted authority of any one or more states, to whatever objection on the score of justice this may be liable, than that it should be perpetually broken for the purpose of deciding questions otherwise insoluble. But this argument proceeds upon a wrong estimate of the comparative value of justice and of peace. It is true that the question at issue is as likely to receive an unjust solution when it is settled by a trial of strength between the disputants, as when it is settled by the fiat of an authority incompetent to decide. But in the former

* Sir G. C. Lewis, "Dialogue on the Best Form of Government."

case the nation which, being in the right, is compelled to yield, has at least had the opportunity of using its best efforts for the satisfaction of its claims, and the chance of successfully asserting them; in the other, it is allowed no voice whatever in the matter. In the one case there is the single injustice of a wrong solution; in the other there is the double injustice of a wrong solution, and of its enforcement by an unqualified authority.

It is, of course, possible to conceive a condition of affairs in which the rule here contended for must be exceptionally disregarded. A war, for instance, carried on with unusual ferocity, protracted beyond all ordinary duration, and of which the termination seemed still distant, might be an instance of the kind; for the necessity of putting an end to such a war might have become paramount to all other considerations. But in order that a particular event may be entitled to such exceptional treatment, it must possess strongly marked features distinguishing it clearly from almost every recorded occurrence of a similar kind.

It appears, then, that there is a large class of international dissensions in which a state not directly interested in their issue could not under any circumstances justifiably interpose. But there is another class of them in which the interposition of such a state would, apart from all consideration of its cost in money and in human life, not only be justifiable but desirable. A clear and unquestionable breach of any of the well-understood and generally recognised rules of international law (including among them the obli-

gation of such treaties or diplomatic compacts as have not been invalidated by subsequent events or by the mere progress of civilization*) would be one ground for such interposition. The reasons which we have found to exist against it, where the point at issue was one admitting of doubt and argument on the score of legality or justice, are here inapplicable. Not only a combination of states, but, if that were impossible, any one state, would have the right, on the present hypothesis, to compel obedience to a rule which had been made by all of them for the general good. The want of those attributes (regular constitution, special intelligence, and impartiality) which, as already observed, justify the coercive action of legal authorities, does not in this class of cases, as it did in the former, disqualify a nation from acting as a substitute for such authorities. There being no reasonable doubt that the crime is being committed or is contemplated, and none at all as to the identity of the criminal, there is no question here of misjudgment either owing to ignorance, or to bias arising from personal interest for or against the accused. The defect of self-constitution is the only one of the three from which the intervening authority, if it consisted not of a general congress but only of one or two or a minority of the whole body,

* Contingencies in which any nation is required by the stipulations of a treaty, either singly or with other countries, to interpose (among which some of the proceedings recently taken by Germany towards Denmark in reference to Schleswig-Holstein must, it would appear, be classed) are not here in question. The intervention considered in this paper is that to which nations are not bound by any special and explicit obligation.

would suffer; but this must be considered as a defect of little importance when set against the object of the intervention. For the same reasons, the decided and obvious breach of any great principle of international justice sanctioned by the moral sense of mankind, or the violation of any of those axioms of right and wrong which, not falling within any positive rule of international law, are yet fully established and unhesitatingly appealed to by nations in their intercourse with each other, or which, though they may not be accepted by all governments, are so by the majority of educated men, would afford another ground on which intervention might be justifiable. The wholly unprovoked aggression of one state upon another, or the seizure of its territory without anything like a fair or rational excuse for doing so, would be obvious instances of such misconduct. The French occupation of Rome—one of the most lawless acts ever committed by a nation—and the suppression in 1849 by a Russian army of the Hungarian insurrection, are clear examples of it; for, in whatever cases interference in the civil dissensions of foreign states may be justifiable, it is certain that to assist a government in crushing the liberties of the people over whom it rules is an act of flagrant immorality. The two latter instances are of value as illustrating with singular force the distinction between the two questions now under consideration; for they are of a kind in which, as regards the part to be taken by this or any other country, the duty of intervention considered apart from the price to be paid for it, and the duty of non-

intervention in the actual state of the case, are equally clear.

Thus far with respect to "intervention" as regards the proceedings of one state towards another. Take next the contingency of a contest between two parties in the same state. It is easy to see that in this case the objections to intervention are far more cogent and comprehensive than when the quarrel is between distinct nations. The general body of states has obviously far less concern with the internal affairs of one of its members than with the proceedings of its members towards one another. The principle which in an ordinary community is fully recognised that each of the individuals comprising it ought to be allowed to regulate his own concerns as he thinks fit, so long as he abstains from injuring others, holds good also for the community of nations; and this principle, superadded to the reasons which we have found to exist as against the right of interference in a large class of international transactions, tends to confine that right within the very narrowest limits as regards civil contests. Such interference is, as we have seen, justifiable, even as between distinct nations, only when some universally admitted rule of international law, or some great principle of justice or humanity, has obviously and undeniably been infringed. As between two parties in the same state, international law does not apply; and, as regards the great principles of justice or humanity, it is obvious that the case is very different when they are contravened by a member of the community, not as against other members of it, but as

against itself. Take the frequent instance of a people rising against tyrannical rulers. On which side justice lies does not admit of a doubt. Yet even in this case foreign intervention cannot be justified, and that for these reasons:—First, That the wrong done is not to any individual of the society of which the interposing state is a member, and as a member of which, and as such only, it has any right to interfere; and, secondly, because such intervention would violate the salutary rule which, apart from all question whether it is on the right or the wrong side, condemns the interference of one state in the internal concerns of another. The justification of this rule as applicable to the contingency now under consideration is sufficiently evident. For a people which owes its freedom to foreign bayonets, and not to such a sense of the value of the possession as would give it courage and endurance sufficient to ensure the ultimate success of its efforts, will neither enjoy nor preserve it.

It appears then that, except in those rare and extreme cases in which, in political as in other sciences, it is sometimes necessary to set aside established laws, intervention in the civil differences of foreign states is, irrespectively of all question as to the amount of resistance with which it will be met, unjustifiable. The conditions of the question are altered when one of the parties to the contest is of a distinct race, or has preserved a separate nationality, as for instance in the struggle of Belgium with Holland, of Poland with Russia, or of Italy with Austria. In so far as such conflicts are not between a people and its

native rulers, but of a people against the superior power of foreign rulers, they fall within the rules which we have found to be applicable to quarrels between distinct nations. In so far then as they are of this character, whenever the justice of the case is palpably and wholly on one side, so that by the conduct of the opposite party either some universally recognised rule of public law, or some fundamental principle of morality, or some undoubted right incidental to humanity, such as that of a nation to reject the yoke of a foreign government, has been contravened, there can be no doubt that intervention would, on our present supposition that its object could be effected without expense and without war, be both lawful and desirable. But, in each instance, the double category to which such contests belong, and the degree in which they belong to each, must be taken into consideration in any question as to the right of intervention. In the contest, for instance, of Italy with Austria the element of distinct nationality so far predominates as that the case may fairly be considered to come under the rules by which the right of intervention between separate nations is determined; and, judged by these rules, it is a case in which intervention, on the present hypothesis, might properly be exercised. As regards Poland, on the other hand, and as regards Hungary, the occurrences have in their nature more of insurrection against native rulers than of resistance to a foreign yoke, and in them therefore the right of a foreign state to pass judgment is less clearly assured.

We have hitherto considered the question as one respecting a single state acting by itself. It is evident, however, on looking to the grounds of the conclusions at which we have arrived, that the association with it of one or two other states cannot materially modify those conclusions. And, practically speaking, it is as concerning the action of one, or two, or at most three states, that the question presents itself; the conflicting interests, real or supposed, of nations in general rendering them, amongst other causes, unable in most cases to arrive at, and unwilling to attempt, a solution by means of a congress. But in order that the inquiry may be complete, it is necessary to consider whether the case would be altered if the decision were to emanate from such a body. In events of such a character as to fall within the class with respect to which we have found, as between distinct nations, that intervention was justifiable on the part of a single state, it is needless to observe that the interposition of a majority of states would be equally so; while it would be preferable as affording less excuse for that sense of injustice which is sure to be felt by any nation coerced by the authority of one or two others. But would it not also be justifiable in respect to events of that class in which we have seen that the intervention of one or two states, or of a minority of them, would not be so? Those events were, to describe them in general terms, events in which the matter in dispute was one with respect to which two opposite opinions might fairly be held, there being on each side as it is termed, a "colourable" case; and the ground on which it

appeared that in such circumstances intervention was indefensible was the absence from the intervening power of three elements of qualification for judicial authority—constitution by the general body, special intelligence, and impartiality. Now of these qualifications, the first, though not literally, may be considered to be virtually possessed by a majority of states. To the second, though the misapprehension which prevails in every nation in regard to the affairs of other nations is such as in a great measure to disqualify even a congress for the purpose under consideration, a majority of states has necessarily more claim than a minority of them. As regards the third, that of impartiality, there seems no more to be said in favour of the former than of the latter; the strong personal interest of most nations in every international difficulty which arises being, as already observed, one of the chief causes which have led to the opinion that a congress is a futile expedient for their solution. On the whole, it may be concluded, as regards differences of this class, that even a majority of the states composing the general community, though less open to objection as an authority pronouncing judgment than one, or two, or a minority of them, would not be free from it; and that coercion by such a body would be a measure of doubtful justice. It is true that power to make laws for the community must be considered to reside in a majority of its members. But it is one thing to make laws, and another to apply them when they are made to particular cases in which the interest of the administrators is involved. Where the dispute is

between two parties in the same state, the reasons which would condemn the intervention of a single state are valid also against that of a congress. In those extreme cases in which only we have found that intervention would be defensible on the part of a single state, it would obviously be more easy to defend, because bearing a greater weight of judicial authority, if it were the act of a congress.

Having thus obtained an answer to the first question —viz. what are the cases in which, its own interests not being concerned, a nation would have the right to intervene supposing that it could do so without expense to itself and without actual war—we proceed to consider the second, viz. how far, in such cases, a nation is justified in intervening if to do so successfully it must either incur the expense of irresistible armaments, or must engage in war, to its own detriment and that of the general community.

Now the proper objects of intervention are (as has been seen) first, to prevent or redress injustice; and, secondly, to prevent or put an end to violence and bloodshed. But there are many cases in which the first of these objects can be attained only by the sacrifice of the second. For it is obvious that, if the nation against which the intervention is directed is powerful and that on whose behalf it is exerted is weak, the intervention, so far from preventing war or shortening its duration, will in all probability ensure and prolong it. Even, therefore, if the question was one affecting the general interest only, it is obvious that a nation should be cautious in entering upon such

a war, and should carefully consider whether the case is one of those in which the sacrifice referred to will be necessary to success, and, if so, whether success is desirable. But the question does not affect the general interest only. It concerns also in an especial degree the interest of the interposing state itself. By the supposition, that state undertakes the task not for its own advantage, but for the sake of justice or of peace —that is, for the general good. By the supposition also it incurs some expense and suffering for that object; and the question is, whether it is called upon to incur or it is justified in incurring them. In the community of nations, owing to the absence of established laws, each nation is charged with the defence of its own territory and the maintenance of its own rights, and is compelled to support for the purpose large and expensive armaments. If it voluntarily goes beyond this, and submits to further expense for the sake of preserving peace or of enforcing justice as between other countries, it does more than can reasonably be required or expected of it. The burden of self-defence is one of the necessary evils which anarchy imposes; the burden of defending others is gratuitous and self-imposed. It is certain that no nation can properly be condemned because it refuses to injure itself for the benefit of the rest of the community. But though the refusal to adopt such a course may not be censurable, would not its adoption be justifiable and commendable? The answer is, that self-sacrifice is commendable only when the object in view bears a reasonable proportion to the amount of self-inflicted

injury. Unless there is a due ratio between the suffering submitted to and the object to be attained, self-sacrifice is not heroism, but Quixotism. But in counting the cost to a nation of any such act of generosity, it must be remembered that the cost falls with very different pressure upon the different classes of which the nation is composed. In almost every country there is a very numerous class of persons many of whom are undergoing the misery of absolute pauperism, and many more, "pressing hard upon the limits of subsistence," and who contrive to obtain the bare necessaries of life at the cost of unremitting labour. Now upon this class, comprising as it probably does the great majority of the working classes, any very considerable increase of taxation falls with disastrous and terrible effect. It is indubitable that any measure by which the national expenditure is largely increased makes, especially in this country, to many the difference between bare subsistence and destitution, to many more the difference between tolerable comfort and bare subsistence. It is a fact from which there is no escape. Either in the enhanced price of the commodities which they consume, or, if the additional taxation is so adjusted as to fall in the first instance upon the richer classes, in a reduction of the wages of labour consequent on the diminution of the fund available for its employment, those to whom the option is given of work, the workhouse or starvation, will bitterly feel the change; and, before the nation determines to take a step which is not required of it, and largely to increase its expendi-

ture for the purpose of intervention on behalf of others, it is bound to consider whether it has a right to inflict such an amount of suffering upon its own poor. If the measure were demanded by international justice—that is, by the duty which a state owes to the general community—the case would be different. But no such demand (as we have seen) is made. The question is one not of justice, but of generosity—of self-sacrifice not for imperative duty, but for gratuitous benevolence—an object for which, it may safely be said, no nation has a right to inflict acute misery upon a large part of its population.

From these considerations it seems to follow that any nation in which, as in this country, there is a class of any numerical importance which is habitually on the verge of poverty ought to abstain from all interference in international transactions not concerning itself which involve any material addition to its fiscal burdens. If, on the other hand, it can intervene with a probability of success and without any such addition to its expenditure, there is no objection on the score of a due regard for its own welfare to intervention; and the self-sacrifice which such an act involved would then be laudable. Such, for instance, might be the case where the nation against which the intervention was directed was greatly inferior in military strength, or where, by obtaining the assistance of other nations, the intervening state could bring against it a great superiority of force. It must be borne in mind, too, that the increase of expenditure objected to is such an increase as would seriously affect the indigent classes, and that, although

every addition to taxation must in some degree affect them, it is only by a very large and decided addition to it that they can be materially injured.

A mere literal fulfilment, however, of the condition here insisted on would not be sufficient. For a nation may be able to take up arms for the purpose of intervention without any addition to its expenditure, simply because it is in the habit of supporting large armaments in order that it may be in a condition to interfere whenever it pleases in the disputes of foreign states. For the due observance of the rule it is necessary that the force to be employed should not be considerably more expensive than that which the nation is compelled to maintain for the defence of its own territory and the protection of its own rights and interests. The maintenance of large armaments with a view to contingencies not affecting the national interests is in itself a violation of the rule. Thus, in order to justify the late intervention of France on behalf of Italy, it ought to be shown not only that she made for the purpose no such addition to her military establishments as added largely to her expenditure, but that those establishments were not habitually more costly than they would have been but for her general practice of interfering in quarrels in which she ss not concerned.

It appears, then, that in order to determine whether, in any given transaction of the class in which we have found in reply to the first question that the mere "right" of intervention exists, it ought either singly or with other powers to intervene, a nation has to consider first, with reference to the general interest,

whether its intervention would not occasion an amount of violence and bloodshed such as would be a greater evil than the wrongdoing which it is intended to prevent; and, secondly, with reference to its own interest, whether the proceeding would not involve so great an increase of taxation as would bring serious calamity upon a large number of the people. If these questions can be satisfactorily answered, intervention becomes in every such instance not only a right, but a duty.

The object of the preceding observations has been to arrive at some intelligible and rational rule by which a nation may be guided in any question of armed interposition in international or civil dissensions which do not concern itself. It would seem, indeed, that in this country the difficulty has been summarily solved by the determination to abstain absolutely from all such interference. But as this determination, in so far as it is not the product of mere selfishness, appears to rest on a very vague and indefinite foundation, it can scarcely be expected to be permanent. In the meantime there is another kind of intervention which appears to be tolerated by public opinion, and which, for want of a better term equally concise, may be called "moral intervention;" that is, interposition in the way of censure, protest, or remonstrance. This species of interference is the subject of much controversy. Some persons consider that a nation may properly and laudably exercise it in all instances of conduct on the part of one foreign state towards another, or of one party in the same state towards another party in it, of which that nation disapproves. Others are of opinion

that such interposition ought never to take place unless where the interposing state is prepared to follow up its remonstrances by war. Neither the one nor the other of these opinions seems to be founded in reason. With respect to the first, we have seen that it is only in a certain class of international dissensions, which it was the object of the first of the questions above proposed to define, that any state can properly claim to pass judgment, while in civil dissensions properly so called it has no right to pass judgment at all; and, on the other hand, there seems no reason why it should abstain from expressing its opinion merely on the ground that, from considerations of its own and of the general interest, it would not be justified in a declaration or in a menace of war. The only reasonable ground (as it would seem) on which such an expression of opinion could be considered inexpedient is that it would be useless. But this is certainly far from being the case. The instances in which judgment would be given are those in which some generally admitted rule of public law, or some broad and elementary principle of justice, has been unquestionably violated; and in these there can be no doubt that the influence of public opinion in other countries operates with a highly deterrent effect upon wrongdoers, or that a firm and temperate remonstrance on the part of any influential state may have the best effect, if not in preventing or mitigating the wrong, at least in preventing its recurrence. In evidence of this it is sufficient to point to the French occupation of Rome; in which the wrong done was not only clear to all rightminded persons,

but the wrong done, and the effect of public opinion in ultimately requiring its discontinuance, have recently been admitted by the perpetrator himself. The error so frequently committed by nations is not in protesting where they will not strike, but in protesting where they have no right to protest, that is, in cases not belonging to the category of those in which only they are entitled to pronounce an opinion. Upon the mischievous character of such proceedings there is no need to dwell. If they happen to be based on an erroneous judgment, they are of course directly productive of evil. If not, the nation whose conduct is condemned, firmly believing, and not without some reason, in the justice of its own cause, and at the same time feeling that even if it were in the wrong the dispute is not one on which its censor has a right to decide, rejects them with indignation or with ridicule, and the *entente cordiale* between the two countries is endangered, to the prejudice of the cause of peace; while, as regards the repetition of the same conduct by the same or any other nation, such remonstrances are wholly without preventive influence.

"Intervention" has here been treated of in that more usual and limited sense of the term in which it does not include either interposition for the purpose of protecting any rights or interests of the interposing state, or any action taken by it on account of the treatment of its own subjects in another. Such transactions fall within the scope of other branches of the general inquiry as to the circumstances under which a nation is justified in making or in threatening war.

ON MARITIME CAPTURE AND BLOCKADE.

By the Declaration of Paris in 1856 most important changes were (as is well known) made in regard to the trade of belligerents with neutrals or between themselves. Before that Declaration it had been held that the property of an enemy might be captured on the high seas in whatever ships it was conveyed. Thus the ships or goods of an enemy were in all cases and without qualification liable to capture at sea; and his trade with a neutral or with the hostile country was absolutely prevented, so far as it could be prevented by means of maritime capture. Since that Declaration the rule which has been established, as between the States which were parties to it, is as follows. The ships of an enemy are still liable to capture, without qualification, on the high seas; but the goods of an enemy are liable to such capture only in one case, *i.e.* if they are conveyed in enemy's ships. Thus, at one stroke, the trade of a belligerent with neutrals or with the enemy was (so far as liability to capture on the high seas is concerned)

set free; the only condition being, that it should be carried on in the ships of neutrals.

It must be carefully borne in mind, however, that the Congress of Paris did not attempt to call in question or to alter the general rule or principle of International Law under which the property of an enemy is liable to capture at sea. That general rule or principle remained unchallenged and untouched. What the Declaration of Paris did, was to establish an exception to the rule; that exception being, that the goods of an enemy, if carried in the ship of a neutral, should be free. The exception was, it is true, of such a nature as, in practice, to nullify to a great extent the rule; for its effect, as has just been observed, was no less than to set free (so far as regards voyages upon the high seas) the trade of an enemy, provided only that it was carried on in neutral vessels. But still it was only an exception—an exception which had become practically expedient on account of the increasing power of neutrals, and the difficulties which had long been experienced in the application of the rule to cases in which an enemy's property was carried in the ships of neutral States.

The important change thus introduced respecting the rights of belligerent nations, combined with the terrible effects upon trade of the civil war in America, has brought into prominent notice and discussion the whole question of maritime capture and blockade, with regard to which, though for different reasons, almost every one seems to consider that the law in its present condition is unsatisfactory.

And first, with respect to maritime capture. It is held by some persons that the Declaration of Paris went too far in the way of concession; by others, that it did not go far enough.

The former of these opinions there is little need to discuss. It is based upon extreme views as to the rights of belligerents; and such views, even supposing that they were sound, are so obviously and steadily losing ground with the progress of civilization that it would be mere waste of time to advocate or oppose them. It is not to be imagined that the maxim, "free ships, free goods," having once been established, will ever, in the face of the progressive development of commerce, and the increasing importance of the concession to neutral nations, be reversed.

By those who hold the opinion that the Declaration of Paris did not go far enough, it is contended that all private property, of whatever kind, on sea as well as on land, ought to be exempt from molestation in time of war, unless its capture or destruction is necessary for military purposes; and that this principle is already admitted in the established immunity during war of private property on land.

It will be seen from what has been said that the Declaration of Paris did not attempt to deal with the question thus raised. It proceeded upon the assumption that the general rule which subjects to capture the property of an enemy at sea was to remain in force. Whether this rule ought or ought not to be maintained is, however, a question well worthy of consideration. The statement that private property

on land is exempt from plunder during war is certainly true in the sense intended. The commander of a military or naval force would be held justified in seizing or destroying on land the private property of an enemy, so far as such seizure or destruction was necessary for strategic purposes; but no further. He would not, in the present day, be held justified in destroying or injuring a purely commercial town, nor in plundering on enemy's ground the property of private individuals, nor in seizing enemy's goods *in transitu* by land to some other country unless such a proceeding was directly conducive to some military object.

There is indeed one case, and only one, in which (as it would appear) a belligerent would claim the right to seize the private property of an enemy on land; and that is when the property is under conveyance to the country of the belligerent itself. There is a traditional rule that with the declaration of war (subject, however, to exception by special licence from the Crown) it becomes unlawful to trade with an enemy: and under this rule the goods of an enemy would (it is presumed) be seized at the frontier custom-houses. In this case, on land as well as at sea, the immunity of private property as a general rule during war may be supposed to be outweighed by the conflicting rule that trade with an enemy is unlawful. This rule, however, has of late been very partially acted upon, and appears to be singularly absurd. It is unfortunately necessary that, in endeavouring to injure an enemy during war, a nation

should do much that will more or less injure itself. But the idea of a rule upon which it is absolutely impossible for a nation to act without inflicting in every instance precisely the same amount of injury upon itself as it inflicts upon the enemy, is simply ridiculous. The blunder had doubtless its origin in the old notion that the export trade of a country is more valuable to it than its import trade. To seize a consignment of French goods bound for an English market causes to England precisely the same loss as it causes to France. Those goods (unless we are to suppose that they are sent to England for the mere chance of a market) are ordered and must be paid for —they may possibly have been already paid for— by an English merchant; and the loss is no more French than it is English. It would be a strange kind of warfare which should be carried on between two countries with the certain knowledge that it could by no possibility in any length of time give any advantage either to one side or to the other.

Is there, then, any valid distinction between private property at sea and private property on land, which would make reasonable the exemption of the former, and the non-exemption of the latter, from plunder during war? So far as the *goods* of an enemy are concerned, it is impossible to discover any such distinction. It has sometimes been contended that the immunity of private property on land is not founded on any general principle of international equity or humanity, but is a matter of military expediency, the disadvantage to the plundering army from the ex-

asperation of the occupants of the country being greater than the advantage from its plunder. But this assertion, besides being contrary to the facts of the case (for it is certain that no general serving a civilized state could allow his troops to plunder in an enemy's country without being held guilty, not of bad generalship, but of moral delinquency), is obviously inapplicable to the exemption from injury by a naval force of a commercial seaport town. As regards *the ships and their crews*, the case is different. It is argued, and with some reason, that the merchant ships of an enemy with their crews are the "raw material" of his military marine, and that to capture them is directly to cripple his naval power; so directly, at least, as to bring their capture fairly within the category of hostile measures which may be taken against him. This cannot be said of private property or of private persons taken on land. Indirectly, no doubt, to seize the private property of an enemy's subjects on land, or to seize the subjects themselves, though engaged in peaceful occupations, tends to diminish his military power; but it does this so indirectly as to have become in modern times unlawful.

It may be admitted, then, that with respect to the *ships and crews* of an enemy there is at present a not unfair reason for treating them as liable to capture, which reason does not exist in the case of private property on land. It is a reason, however, of which the force has been much diminished by the recent inventions of science, and will be more and more diminished as the difference between a merchant vessel

and a vessel of war, both as to construction and as to the qualities required for its navigation, becomes more and more marked. As regards the *goods* of an enemy being private property, and on the high seas, there is absolutely no such reason. Consistency requires that such goods should be exempt from capture, and that if found on board enemy's ships they should be restored to their owners.

The admission, implied in the immunity accorded to private property on land, of the principle upon which it is proposed to extend that immunity to private property at sea renders it practically unnecessary to discuss the justice or expediency of that principle. But it is to be observed, that there is much stronger reason for exempting an enemy's goods being private property from plunder at sea, as well as on land when *in transitu*, than for so exempting them in his own country. Such goods, if they are bound for a neutral country, are in a certain sense the property of persons in that country; and to subject them to capture is to that important extent a direct and flagrant interference with the obvious rights of neutrals. It is in fact a denial to neutrals of the power of trading, so far as their imports are concerned, with a belligerent State; and this not for any military purpose, but for the sake of the mere injury to the enemy's trade. Such a prohibition is opposed to the plainest dictates of equity. That either of two nations which for any cause however frivolous should think fit to go to war with each other should have power to intercept the trade of the other with countries which are friendly to it, un-

justifiable from the first, has become simply intolerable now that commercial intercourse has been freed from most of its trammels, and nations are for the most part dependent upon each other for the comforts and necessaries of life. That the Northern States of America, because they happen to have had a quarrel with the Southern States, should have had the power—not incidentally upon the necessary operations of war, but deliberately and directly—to cut off from England supplies necessary to the existence of a great part of her population, is in accordance certainly with international law, but in complete opposition to reason and right.

It appears then from what has been said that the rule of international law which subjects the private property of an enemy to capture at sea ought to be reversed; but that for the present, at least, an exception to the general immunity might not unjustly be made in the case of an enemy's ships and their crews. Thus the goods of an enemy would be free in whatever ships they were conveyed; while his ships, with their crews, would still remain liable to capture.

As regards the effect of such a change upon the interests of merchants and shipowners: it has been seen that by the Declaration of Paris the trade of belligerents with neutrals has been (so far as maritime capture is concerned) already in practice set free; because, unless carried in enemy's ships, enemy's goods are no longer liable to capture. To the mercantile as distinct from the shipping interest in belligerent or neutral States which have assented to that declaration

the change would therefore be of far less importance than it would have been before the Declaration. It would, nevertheless, be a measure of great importance to that interest, not only as placing at its disposal the mercantile marine of the belligerent State at no other disadvantage, when compared with neutral shipping, than the loss and inconvenience of delay in case the ship were captured, but as establishing on an intelligible and rational basis the freedom of private property from plunder during war. As respects the *shipowners* of a belligerent State, the change would at once remove in great part an objection which has been earnestly pressed on behalf of British shipping to the Declaration of Paris, viz. that in the event of England being engaged in war its effect will be to throw the carrying trade of the country into the hands of neutrals. That objection, which is avowedly based on the interest of one particular industry, is indeed obviously inadmissible as an argument against a measure intended for the advantage of the State as a whole, and of the general community of nations. Nor can it be said that, on the whole, the alteration effected by the Declaration of Paris would be injurious to that industry, unless upon the assumption, the reverse of complimentary to this country, that she may be expected to appear in the character of a belligerent more frequently than in that of a neutral. By the change, however, now proposed, the objection must in a great measure be obviated, since the main object of the complainants—the equal treatment of an enemy's goods, whether conveyed in his own ships or in those

of a neutral—would be attained. There would remain the comparatively small disadvantage, on the side of the ships of a belligerent, of the temporary detention of the enemy's goods which they conveyed.

It would of course be competent to a Congress of States to decide that even the ships of belligerents (with their crews) being private property should form no exception to the general immunity (supposing it to be established) of private property during war. Nor could it be said that such a decision was unreasonable. The utmost that could fairly be objected to it would be that it solved in a liberal sense a question of which there is at present much to be said on both sides, but of which, as has already been observed, modern science seems likely to confirm such a solution. Moreover, the error, if error there were, would be in the interest of humanity and mutual good-will; with this further consideration in its favour, that the exception thus disallowed would be one singularly liable to be used as an argument against the important and beneficent rule with which it would conflict;—an exception which would at once mar the triumph, and endanger the permanence, of the great principle upon which the direct suffering caused by the calamities and horrors of war would be confined to the fleets and armies by which it is carried on.

With respect to blockade, the law, which in principle remained unaltered by the Declaration of Paris, seems in its present condition singularly indefensible.

There is no general rule of international law more

clearly established than this:—that a neutral has the right to trade on his own account with either belligerent during war. Sir R. Phillimore, in his "Commentaries on International Law," says:

"There is no more unquestionable proposition of International Law than the proposition that neutral states are entitled to carry on, upon their own account, a trade with a belligerent;"

and whoever will refer to the principal authorities on the subject will find the statement amply confirmed. Great Britain, he goes on to say, has in two or three instances attempted to enforce a contrary doctrine; but in the first of those instances Great Britain, with her accomplice Holland, afterwards confessed that she was wrong; and in the other two rested her case, such as it was, upon a highly exceptional state of things, which was held to warrant a temporary departure from that which she admitted to be a general principle of law.

But to this rule there are necessary exceptions; and one of these is "the right," as Sir R. Phillimore expresses it, "to prohibit the commerce of the neutral with all besieged *and blockaded* places; and the duty of the neutral to abstain from all intercourse with them."* Now what is the ground on which this exception is justifiable? Simply the necessity of allowing nations which are at war to carry on against each other military operations, among which is the siege or investment of ports or places belonging to the

* Wheaton expresses it as follows:—"Another exception to the general freedom of neutral commerce in time of war is to be found in the trade to ports or places besieged or blockaded by one of the belligerent powers." (Part iv. c. 3).

enemy. There are military operations in which it is an object to cut off the supply of provisions or munitions of war from the enemy; and these operations, if nations are permitted to make war upon each other at all, they cannot be prevented from conducting, notwithstanding that in so doing they are acting in opposition to the general rule. In other words, the case is one in which the admitted right of neutrals to trade with a belligerent conflicts with and is made inoperative by the admitted right of belligerents to carry on hostile operations against each other. Such being the case, it is surprising that the right of excluding the commerce of neutrals by blockade should have been considered to hold good where the blockade is what is termed "commercial"—that is, where it is established for the express and single object of excluding that commerce, and not for any purpose which can be termed military. To say that neutrals have a right to trade with a belligerent, and at the same time to say that a belligerent may place at the entrance of any port of the enemy an armed force for the sole and ultimate object of preventing neutrals from trading with him, is a mere contradiction in terms. In the case of a military blockade the exclusion of neutral commerce is a secondary object: the ultimate object is to gain a military advantage. The secondary object is inconsistent with the principle of law which prescribes freedom of trade between neutrals and belligerents: but the ultimate object is to do that which in the interest of all nations belligerents are authorised to do during war; and this last consideration prevails. In

the case of a "commercial" blockade the ultimate object is to exclude the trade of neutrals, *i.e.* to do the very thing which the law of nations proclaims to be illegal. There is no conflict in this case of principles or of rights. The thing done is done in simple and direct contravention of a great legal principle, and not in virtue of any other legal principle which conflicts with it. To lay down the general proposition that the trade of neutrals with belligerents is free, and at the same time to legalise "commercial" blockades, is as absurd as it would be to say that a man has no right to take the law into his own hands, but that any man may on any occasion knock another man down. Either, then, the general rule must be reversed, or the exception, so far as it respects "commercial" blockades, must cease. Happily, there seems no sort of probability that the former alternative will be adopted. It is not in that, but in the opposite direction that future changes in the law of nations must be expected to tend. The monstrous doctrine which has been already referred to, that either of two nations which choose to quarrel with each other may intercept the trade of the other with a friendly State, having once been shattered to the extent of allowing neutral goods to be freely conveyed to the enemy, it is not likely that the breach will ever be repaired.

Thus far with respect to "commercial" blockade, considered as excluding the merchandise of neutrals from the ports of the hostile country. Considered as preventing the egress of enemy's goods, it is open to precisely the same objections as those which have been

urged in this paper to the capture of an enemy's goods at sea. It is equally irreconcileable with the recognised immunity of private property on land, and, as giving to any two quarrelsome nations an undue power of injuring third countries, equally opposed to the dictates of common sense and common humanity. And it is open to these objections in a degree by so much the greater, as blockade is a more effective instrument than maritime capture for the suppression of trade.

In so far, again, as commercial blockade operates to prevent the interchange of commodities between the belligerent countries, it is liable to the same objection as that above taken to the legal theory by which such a trade is prohibited. In this effect of it, commercial blockade cannot under any conceivable circumstances be of any possible advantage either to one side or to the other.

A blockade, then, to be, as it is termed, "binding," ought not only (in the words of the Declaration of Paris) to be "effective," but established for military purposes. And it ought to be so, not in any vague or indirect manner, but directly and in the fullest sense part of a strategic plan. That no consideration as to its indirect effect in diminishing the enemy's military power by cutting off from his people their sources of wealth is sufficient to justify blockade, is implied in the very rule which allows neutrals to trade with him. A blockade, to constitute an exception to this rule, should be clearly shown to have for its object direct military disadvantage to the enemy, or, in other words, direct military advantage to the blockading State.

Thus a blockade forming part of a plan of siege or investment, or for the purpose of preventing supplies from reaching a hostile army, or intended to prevent the egress of, or to injure in any manner consistent with the laws of war, an enemy's fleet, would be entitled to observance by neutral States. As to what did or did not constitute a "military" blockade within the meaning of the rule, difficulties would of course arise; but there is no reason to suppose that they would be either greater or more numerous than those which attend the interpretation of many other rules of international law.

The assertion which is frequently made that the abolition of "commercial" blockades would be unfairly disadvantageous to this country as a great maritime power is open to much discussion. It is surely matter for doubt whether the profit which England would derive from it as a neutral State with the greatest commercial navy in the world would not exceed any loss which it would inflict upon her as a belligerent State with the greatest military navy in the world; —for doubt, which the fearful calamity sustained by her in the former capacity on account of the civil war in America may help to remove. But if the assertion were true, it would be a reason (so far as it went) not for maintaining in its present state the law of maritime capture and blockade, but for abolishing the rules of law with which the right of commercial blockade is irreconcileable. There is no need to insist on the suggestion that a code of international law which is inconsistent with itself

requires alteration. A legal doctrine which declares that neutral trade with a belligerent is free, and at the same time declares that the whole coast of an enemy may be closed against neutral trade with the direct and ultimate object of excluding that trade, is self-condemned. The only possible mode of rectifying the anomaly, except the abolition of "commercial" blockade, is one which (as has been already said) is little likely to be adopted—a step backward to the principles and practice of a barbarous age.

ON CAPITAL PUNISHMENT FOR MURDER.

THE question whether or not the crime of murder should be punished with death is one of which public opinion has long recognised, and could hardly exaggerate, the importance. But, though felt to be of the deepest interest by all classes of society, and constantly discussed with extreme earnestness, this question can scarcely be said to have received its due share of dispassionate and scientific investigation. The weapons used in the controversy, among which declamation on the one hand and accusations of sentimentalism on the other hold the most conspicuous place, are numerous and energetically wielded; but little serious endeavour is made either to test the validity of each argument in itself, or, after collating and comparing them, carefully to consider on which side the preponderance of truth may fairly be held to lie. The following attempt at a less partial treatment of the subject may, even if it should answer no other purpose, be useful as affording a basis for further discussion, and defining more distinctly the real nature of the difficulty to be solved, and the real data which exist for its solution.

In the consideration of this question the most natural method of proceeding, as well as that which

brings under review the arguments on either side in the clearest and most convenient manner, will be to inquire,—what are the reasons which are supposed to render it necessary that death, which, with the approval of the whole community, has ceased to be actually inflicted in this country for any offence except murder, should still be the penalty for that crime; and whether those reasons are sufficient.

It will be found, then, that the maintenance of capital punishment for murder is defended on three distinct grounds, which may be stated as follows:—

1. Scriptural authority;
2. Retributive justice;
3. Superior efficacy.

1. The influence which the appeal to Scriptural authority on this subject has exercised upon the public mind can only be accounted for by that kind of reverence for the sacred writings which is apt to forget that they are to be interpreted with the help of reason and reflection. Assuming that the words of Genesis, "Whoso sheddeth man's blood by man shall his blood be shed," are rightly understood by those who use this argument,*

* This assumption, when the doubts which are not unreasonably expressed as to the real meaning of the passage, and the discrepancies in the various translations of it, are considered, must be admitted to be a liberal one. In the Vulgate, the Septuagint, and some other versions, the words "by man" are omitted, leaving it uncertain whether an injunction to mankind to punish murder with death is intended, or only a prediction in the nature of a warning that the homicide would die a violent death. Even if the translation which inserts "by man" is correct, it is possible, though more difficult, to understand the passage as a prediction rather than a command.

the inference which is drawn from them that the punishment for murder ought in all ages of the world to be death seems wholly unwarrantable. Capital punishments instituted in the Levitical Code for adultery, slave-dealing, assault upon a parent, witchcraft, and other offences, have been abolished without hesitation by modern legislators; and if, therefore, the Levitical Code had been the only portion of Scripture in which the punishment of death for murder had been prescribed, it would of course have been impossible with any consistency to defend the retention of that punishment on the ground of a divine ordinance. Nor is it easy to understand the distinction by which a command given to Moses is supposed to be of transitory, and one addressed to Noah of lasting, obligation. It is held, indeed, that the particular ordinances, as distinct from the moral precepts, of the Levitical Law were, in a special and peculiar manner, abrogated by the Christian dispensation; but if any opinion at all can be formed as to the reason and spirit of that abrogation, it must appear that Christianity, in annulling the penal institutions of the Mosaic æra, annulled also by implication those of the earlier ages of the world.

The inference, however, under consideration is at once seen to be fallacious if it be followed to its logical results. For to maintain that a punishment ordained by divine authority in a particular age is binding upon all ages and under all circumstances is to maintain that it ought to be inflicted even in the very conceivable case of its having become less effectual for the repres-

sion of crime than another punishment would be. It is believed by many persons that in this country a secondary infliction would be more effectual than that of death for the prevention of murder. Yet, according to the doctrine which we are examining, even if this were really the case murder ought still to be punished with death. In other words, of two kinds of punishment, that should be chosen which is at once the most severe and least effectual—a proposition of which (except in the view of those to whom retribution is not only an object, but the main object, of penal legislation) the absurdity is complete. But in truth this reasoning, unanswerable as it seems to be, is only an illustration of the broader ground on which the case against the Scriptural argument may securely rest. Criminal laws, whether human or divine, must be supposed to have been made for the benefit of the human race; and to that object they are unadapted unless they are capable of variation with the varying conditions of social life. To assume, therefore, that the Noachian ordinance, which contains no intimation of its own perpetuity, is binding upon the present generation of men, is to indulge a veneration for the mere letter of Scripture to the disparagement of supreme wisdom and benevolence, and to sacrifice the object and purpose of a divine institution to the institution itself.*

* It seemed scarcely necessary to notice in the text the reference which is sometimes made to Romans xiii. 4, as if it were in favour of the present law. A recommendation to Christians as good citizens to obey an established ruler because "he beareth not the sword in vain," is indeed a slender thread on which to hang an assertion that capital punishment is sanctioned by Scripture. It is

2. The argument from retributive justice can only be insisted on by those who are unacquainted with the true principles of penal law. That a person who commits murder "ought to be hanged,"—that life should be given for life, and blood for blood,—are the phrases by which this argument is commonly expressed, and by which it is intended to signify that the guilt of the murderer is of such an amount that he *deserves* to be hanged, and that, as he deserves to be hanged, it is the business of the State to hang him. Fortunately, the duty of providing for the expiation of moral guilt is not one which has been entrusted to human tribunals. The proper object of punishment is to prevent the commission of acts which are injurious to society, not the exaction from the offender of an amount of suffering proportionate to his delinquency. The greater indeed is the offence—the more morally heinous the crime—the heavier should be the punishment; but this, not because of two offences the greater *deserves* the more severe penalty, but because the greater the injury which has been done to society the stronger should be the deterrent motive which the law interposes to prevent its recurrence. "If we could consider an offence which has been committed as an isolated

impossible by any reasonable rule of interpretation to consider the words "beareth not the sword" as anything but a metaphorical expression for "exercises authority." But even if this were otherwise, and the words were admitted to imply an approval of the possession by the magistrate of the power of life and death, they would still be quite inadequate to the purpose for which they are quoted. They can hardly, for instance, be supposed to show that St. Paul would have approved of capital punishment if its object could be attained by milder means.

fact the like of which could never recur, punishment would be useless:—it would be only adding one evil to another."* The infliction of suffering upon criminals is in itself an evil; and supposing that it could be conceived possible to devise a method of deterring from crime which did not involve the infliction of suffering (as, for instance, by punishments which were apparent and not real), the adoption of such a method, so far from being a subject of regret, would be a great and decided social improvement. The object of punishment would be gained, while the chief "expense" † of punishment—the pain to the criminal—would be avoided.

The answer, then, to the argument from retributive justice is that it is irrelevant to the question at issue:—that question being one of criminal legislation, and retribution being an object with which criminal legislation has no concern.

3. The argument from superior efficacy (as it may be termed) is that on which the more thoughtful advocates of capital punishment mainly rely, and the only defence of their position which is really formidable.

The proposition upon which this argument is founded is that capital punishment is more effectual for the repression of murder than any other punishment would be, or, in other words, that its abolition would occasion an increase in that crime.

We have, therefore, in the first place to inquire into the truth of this proposition.

There are persons of violent, self-indulgent, and

* Bentham. *Principles of Penal Law.* Part ii. B. i. c. 3.

† Bentham.—*Ib.*

reckless character to whom death has few terrors compared with the loss of liberty and enjoyment, or with a life of labour and restraint. But, as regards the generality of human beings, the love of life and the fear of death are influences of such immense power that scarcely anything can come into competition with them as motives of action. Speaking generally, there is no doubt that the expectation of death will operate with far more effect to deter from crime than the same degree of expectation of any other punishment such as would be possible in modern times. Nor can it be denied that what is termed by Bentham the "exemplary" character of this punishment when publicly inflicted must on the whole increase its deterrent force. It is true that a public execution has a hardening and corrupting effect upon the minds of the spectators, and also that the legal destruction of human life has a tendency to weaken the sense of its value entertained by the community at large; and the additional predisposition to crime which is occasioned by both these causes must be set off against the preventive power of the public example. But though these causes may modify, they can hardly be supposed to neutralize that power. Men may jest and jeer and blaspheme in the face of the gallows, and appear, when they are massed together, to derive much amusement from the sight before them; but it is a sight nevertheless which they never forget, and which, in a case where temptation to murder existed, would, supposing that there was a strong probability that the punishment would follow upon the crime, operate with extreme force against its commis-

sion. To cite a few instances of persons who have been induced by witnessing an execution to commit murder is only to illustrate that which needs no illustration—the existence of fantastic and morbid idiosyncrasies.

It may be admitted, therefore, that, if both were enforced with equal rigour, the punishment of death would be more efficacious for the prevention of crime than any secondary punishment such as would be tolerated in this country. But it is urged by the advocates of abolition that the expectation held out to the murderer of his actually undergoing this punishment is so small as to take from it a great part if not the whole of its efficacy, or (which is sufficient for the purposes of the argument) so far to diminish its deterrent force that a secondary punishment would be equally or more effectual.* This is the real meaning of those who insist so strongly on the "uncertainty" of capital punishment as a reason for its discontinuance; and we have now, therefore, to examine into the truth of their assertion, and for this purpose to inquire—what is the degree of expectation set before the murderer that he will suffer death, as com-

* There can be no doubt that this was actually the case as regards those minor offences for which capital punishment is now no longer inflicted. The fact, therefore, which is often referred to as if it were conclusive, that this punishment has been abolished as regards such offences without any consequent increase of crime does not in itself afford a valid argument in favour of its abolition in the case of murder. For it will be at once replied that this fact is accounted for by the high degree of probability which was offered to the perpetrators of these offences of escaping death,—much higher (it will be contended) than that which exists for the murderer.

pared with that of other offenders that they will undergo the particular penal inflictions assigned to their offences? An answer to this question sufficiently approximating to the truth may be obtained from the published official Returns.* We find that in the six years 1857-1862, 396 persons were committed for trial for murder in England and Wales, and that of these 126 were convicted and sentenced to death, and 76 were executed. Hence it appears that the proportion of committals to convictions for murder is about 3 to 1,—that of convictions to executions about 12 to 7,—and that of committals to executions about 5 to 1. Comparing with this the prospect of escape from other punishments, we find that in the same six years the total number of persons committed or bailed for offences other than murder was 108,728, and of persons convicted and sentenced for such offences 82,132; while the number of such persons upon whom, though convicted and sentenced, the sentence was not carried into effect, is not stated in the returns, and is certainly so small as to be of no importance in the argument. The total number, therefore, of committals for these last-named offences was to the total number of punishments for them as (speaking approximately) 4 to 3. We have here, then, a proportion between committals and punishments of, in the case of murder, 5 to 1 (*i.e.* 15 to 3), and in the case of other offences of 4 to 3. That is to say: on the part of a person committed for trial the degree of

* *Judicial Statistics*, presented annually to both Houses of Parliament.

expectation of a secondary punishment is to the degree of expectation of the punishment of death as 15 to 4, or $3\frac{3}{4}$ to 1.*

Assuming that the proportions of committals to actual crimes is not materially different in the two cases,† this result may be taken as indicating sufficiently for the present purpose the degree of expectation which is offered to criminals of capital, as compared with secondary, punishment. And this expectation being such as has been shown, it can hardly be doubted that, if the alternative presented to the murderer were absolute impunity, or in other words, supposing that in the actual state of the case by escaping death he escaped punishment altogether, some kind of secondary infliction is possible which would be at least as efficacious as that of death for the prevention of the crime. The increase in the expectation of the punishment would, on that supposition, be so great as in all probability fully to compensate for its inferior severity. But the actual state

* It may be said that the comparison would be fairer if it were made as between the case of murder and that of the crime the penalty for which is next in order of severity. If, then, the crime of manslaughter be taken, it will be found that the proportion of committals to sentences (the punishment being, it is presumed, in almost all cases the same as the sentence) is about 2 to 1.

† There seems no sufficient reason to doubt this. The general eagerness, caused by the sense of personal insecurity, to detect a murderer might seem likely to render the proportion of committals to crimes greater in the case of murder than in that of other offences; but against this is to be set the frequent reluctance not only of those connected with the criminal but of other persons to give evidence or adopt any other measures which may possibly lead to his death.

of the case is not that supposed. Instances in which murderers escape execution owing to the reluctance of juries and of the government to enforce the law are indeed extremely frequent. But of those who are reprieved by the Secretary of State a large proportion are punished in some other manner, usually by penal servitude for life. Of those, again, whose lives are preserved by the humanity of juries there are many who are found guilty of manslaughter, and sent to penal servitude for life or of long duration. Those murderers who go altogether unpunished for the most part belong to that class whose crime cannot by any ingenuity be construed into manslaughter, or who can with any pretence of reason be treated as insane. Thus the actual position of a detected murderer, as regards the prospect of punishment, is as follows. There is a possibility, the value of which it has been attempted to estimate, that he will be executed: if he escape execution, there is a probability that he will be consigned to penal servitude for life: and there is a not inconsiderable chance that his crime may be followed by entire impunity.*

Such being the nature and amount of the deterrent motive which is now offered by the law as against the crime of murder, the question is whether a secondary punishment is not possible which would supply a de-

* Which of these contingencies is most probable in each particular case, will, of course, depend in a great measure on the nature of the crime: but it is with the *average* expectation of punishment that we are here concerned.

terrent motive of equal or greater strength. Suppose, for instance, that penal servitude for life, not as at present practically remissable after a certain term of years, but from which under no circumstances or conditions would it be possible to obtain release,* and increased in severity and impressiveness by various expedients, as for instance by additional seclusion and additional labour, were in future to be the penalty for murder. The consequence would be that murderers who under the present system would be executed, as well as those who are now, owing to the general reluctance to inflict death, sent to penal servitude for life or for a long period, and those who for the same reason escape altogether, would in future be punished with the new and aggravated form of penal servitude. The *loss*, therefore, of deterrent force would consist in the substitution of a milder punishment for that of death as regards those murderers who would now be executed, and who, it has been seen, are comparatively few. The *gain* in the same respect would consist in the increased severity of the suffering which would be undergone by those murderers who are now, from motives of humanity, condemned to penal servitude, and in the extinction of the possibility which from the same cause at present exists of complete impunity. To put the case somewhat differently—instead of a chance of being put to death so small that there is only one

* There is no reason to suppose that in the case of murder, as distinct from other crimes, public feeling would oppose any obstacle to the enforcement in this respect of the extreme rigour of the law.

execution to five committals, and an expectation either of complete impunity or of a punishment no more severe than that awarded to manslaughter, there would be set before the detected murderer something like a certainty of as heavy a punishment short of death as could be inflicted consistently with the recognised rules of humanity. It seems very questionable, therefore, whether, in point of efficacy, the gain on the side of the new law would not at least counterbalance the loss, or, in other words, far from improbable that its effect might be, if not to diminish, at all events not to increase, crime. This, however, may, it would appear, be confidently looked upon as in the highest degree probable,—that any sacrifice of preventive power which the measure might involve would not be large. Very possibly no increase whatever, or even a diminution, of crime—in all probability no great or alarming increase of it,—would be the result of the change.

It is as a *prima facie* confirmation, not as a positive proof, of the soundness of this conclusion, that the non-existence of capital punishment in certain foreign countries,* which is so frequently appealed to by the advocates of abolition, is really valuable. The fact that in those countries capital punishment has either been abolished or never obtained, and that, as it would seem, there is now no idea of resorting to it, proves no more than this: that in them there has been no such increase in the crime of murder as to suggest the

* These countries are (as it would appear) Russia, one or two of the Cantons of Switzerland, and the following States of the Union: —Louisiana, Michigan, Illinois, and Wisconsin.

expediency of punishing it with death. It does not prove, as it is often hastily assumed to prove, that secondary punishments are there more effectual than that of death for the prevention of murder, or even that they are not in any degree less effectual for that purpose. If the necessary statistics on the subject could be obtained, it might probably be found that in those countries in which capital punishment has been discontinued murders have not become more common since its abolition, and that in those in which it has never existed such crimes are not more frequent in proportion to population than elsewhere. But even if this were proved to be the case, the discovery would not be of such importance to the argument as might at first sight appear. In the first place, such information would be extremely inconclusive as regards any nation by which capital punishment had been so long abolished as that important social changes may have since occurred. In such a case, the fact that murders had even decreased in number since death had ceased to be the penalty for them would afford no satisfactory evidence as to the effect of the abolition, unless it could be shown that the lapse of time had brought with it no such social improvement as would be likely to diminish crime. But, further, however valuable the information might be as a test of the effect of dispensing with capital punishment in any particular country, it would still be inconclusive as regards the present question. For that question relates to the comparative efficacy in *this country* of capital as compared with secondary punishment. But the degree of efficacy of a penal law

depends very materially upon the state of public opinion with regard to it as influencing those upon whom the execution of the law depends. The fact, therefore, that secondary punishment was in one country as effectual as capital punishment to prevent murder would not prove that it would be so in another, unless it could be shown that public feeling on the subject was not materially different in the two countries. It might be found, for instance, that in a particular state of the Union murders had not become more numerous since the disuse of capital punishment. But the reason of this might be that, owing to the condition of public feeling in that State, it was, previous to the abolition, absolutely impossible to enforce the law;—and it could not therefore logically be inferred that the result would be the same in England where death is, though reluctantly, frequently inflicted. There can, however, be no question but that the absence of capital punishment from the penal code of these states without any marked ill effect upon social security affords an important presumption, though not a conclusive evidence, that the same course might be followed with a similar result by other nations; and thus far, therefore, it corroborates the conclusion at which we have arrived, in regard to the effect which a change in the law such as that supposed might be expected to produce on the amount of crime in this country.

The result, then, of the inquiry respecting the comparative efficacy of capital punishment being such as has been indicated,—and such, therefore, being the value of the objection, on the ground of superior

efficacy, taken to its abolition,—it becomes matter for serious question whether that objection is not more than counterbalanced by the peculiar evils which, apart from all consideration of its effect upon crime, are incidental to this mode of punishment.

It is necessary, therefore, to consider, in the next place, what is the nature and extent of those evils.

a. While all punishment is in itself an evil,* that which consists in the destruction of human life appears to be an evil distinct in kind as well as paramount in degree. It is not only the most severe of all modern punishments; it is also totally different in its nature from the rest. To deprive a man of liberty or of property, or to inflict upon him physical suffering in whatever form, is one thing—to put an end to his life is quite another. The assertion that society has no right under any circumstances to take human life is an assertion which, if it were true, would of course be at once decisive of the question at issue, and the unsoundness of which is a postulate upon which our whole argument proceeds. But the very existence of such an opinion is an evidence of the totally distinct character of the injury involved in this mode of punishment. Moral instinct and religious precept alike proclaim that a man's life is his own in another and more sacred sense than anything else which he possesses. The very horror of murder which so largely contributes to the maintenance of capital punishment is an evidence that such an instinct exists; and those who would deny its existence and repudiate its obliga-

* See *ante*, p. 80.

tion cannot advocate the continuance of the punishment on account of the enormity of the offence. They must either admit the pre-eminent and peculiar importance of human life, or they must modify their estimate of the murderer. They may profess to see no fearfulness in the penalty, but they cannot at the same time enlarge upon that of the crime.

The doctrine of the sacredness of human life may not be proof against casuistry, but it is one which has advanced *pari passu* with the progress of mankind from barbarism to civilization, and which has received special sanction and illustration from the Christian religion. Whether or not it be necessary to hang for murder, it would be an evil day for a nation when the necessity should have come to be considered as other than a terrible one. Fortunately we are as yet in no danger of such a retrogression; and however inconclusive the objection to capital punishment here insisted on may appear to be, its reality and importance would probably be admitted by a very large proportion of enlightened public opinion in this country.

b. Capital punishment differs from all others in that it is absolutely irremissible and irreparable. It is an evil attending upon all penal inflictions that though there may be a strong probability there can be no perfect security that they will fall only upon the guilty. But in the case of a person undergoing a secondary punishment and discovered to be innocent the sentence may be so far at least reversed as that the penal process, if incomplete, may be discontinued;

and there is also the possibility of making compensation for that part of it which has already been suffered. Where the punishment is death, not only is the injury which has been inflicted far greater, but it is one which can neither be diminished nor repaired. The appalling injustice unintentionally committed of destroying an innocent person admits neither of retractation nor redress. If the administrators of the law were exempt from liability to error, the power to cause the death of a rational being would be a power which they might well shrink from exercising; in a fallible tribunal the awfulness of the capacity to take human life is increased a hundredfold by the inability to restore it.

It will probably be contended that this objection to capital punishment has ceased to be of any practical importance, since, in the present state of public feeling on the subject, there is a moral certainty that none but those who are really guilty will be executed. Unfortunately this position cannot be sustained. It is true that, owing to the reluctance which exists to enforce the law, very convincing testimony is generally required before the guilt of the accused is considered as substantiated. But the evidence on which convictions for murder are founded is, from the necessity of the case, ordinarily of that kind which is termed "circumstantial," or, in other words, it is such as to imply an appreciable, indeed a not inconsiderable, possibility that the convict may be innocent. Ocular evidence—the concurrent testimony of two or more witnesses of the criminal act,—is conclusive in the

first, "circumstantial evidence" only in the second degree. In a late trial for murder the Lord Chief Baron instructed the jury that the possibility that the most important circumstances adduced against the prisoner might be explained in a manner compatible with the supposition of his innocence was not sufficient to justify an acquittal, and that they must decide the case upon "that degree of conviction, that firm persuasion upon which people would act in their own important concerns." It is obvious that this rule of law allows of a small but decided margin for the contingency of a mistaken verdict. The firm persuasion upon which people act in their own important concerns occasionally turns out to have been erroneous. The reluctance of juries to convict will indeed lead them to give to this rule a construction as favourable as it will bear to the interests of the prisoner; but it is nevertheless the rule upon which, as directed from the Bench, they act in most instances with more or less rigour; and it is evident that in every trial for murder a possibility thus arises of the sacrifice of innocent life which is far from being so small as to be unworthy of consideration, and which, when occurring in a sufficiently large number of cases, must become a certainty. There is no need to inquire into the reality of the instances actually cited of these fatal and fearful mistakes. It is but too certain not only that they have been, but that they will continue to be, so long as capital punishment endures, rarely indeed yet from time to time committed.

c. The existence of a criminal law, on a subject of

the utmost social importance, which is enforced in comparatively few instances and in the rest is deliberately dispensed with by those who are responsible for its execution, is in itself a great and obvious evil. That crimes to which the law has assigned the character of murder should either be left unpunished or treated as manslaughter by the established tribunals, or that when the verdict has been murder, and the sentence death, the culprit should again and again be dealt with by the Executive as if the verdict had been homicide and the sentence penal servitude, is a signal defect in our penal system, and in violent contradiction to the spirit of our institutions. Not only do absolute acquittals, in the face of evidence which would be quite sufficient to ensure a conviction for any offence except that of murder, frequently occur, but it is only where the crime is such as that by no possibility could it be looked upon as manslaughter that juries can (speaking generally) be induced to convict. In cases where there is any pretence whatever for a verdict of manslaughter such a verdict is almost sure to be delivered, however clearly it may appear on the ordinary principles of evidence that the crime is murder in the sight of the law. Where, again, the accused has been convicted and sentenced to death it has been shown that the chances are 5 to 7 that the sentence will be commuted on the advice of the Secretary of State. Thus the practice in this country really is, not to punish with death criminals who are murderers in the sight of the law, but to select a few of such criminals for execution;

and the fate of a murderer depends not on any fixed rule of penal legislation, but on the idiosyncrasy of a jury or of a Minister of the Crown. It is true that no murderer is executed unless he has been convicted and sentenced according to law, and that the security of society is so far regarded as that those who suffer are commonly the worst offenders; but it is also true, that the majority of murderers who escape with life are, in the view of the law, equally criminal with the minority who are executed. The injustice of such a system is sufficiently evident. The justification for executing a murderer is, not that he is worse than other murderers, but that he has committed an offence to which the law awards the penalty of death; and if, in the estimate of the law, his crime is the same as that of others, that he should suffer while they escape is a palpable and grievous wrong. He has every right to claim the same immunity as is extended to those who are, legally speaking, no less guilty than himself. The truth of this, as a general proposition, is in no way incompatible with the exercise by the Executive Government of a dispensing power which is in its true spirit and essence of exceptional application. That, owing to the general aversion to capital punishment, this power should have been so far distorted from its proper character as to have become an instrument by which the law is habitually rendered nugatory, is the worst part of the evil here insisted on. The grounds, however inadequate, upon which a jury in the face of the clearest evidence refuses to convict a murderer are, at least, publicly known, and they usually imply that his crime has not

been among the very worst of its class:—the tribunal by which the question of life or death is ultimately decided is secret and irresponsible, and affords no means of judging whether its decisions have been founded on any just estimate of comparative criminality. This last consideration has, indeed, forced itself of late in a very marked manner upon the public mind, and appears likely to be the cause of continually increasing uneasiness and mistrust.

d. That a punishment should be variable, *i.e.* that it should be capable of mitigation or increase according to the varying degrees of guilt in the particular class of offences to which it is applied, is one of the most elementary maxims of criminal jurisprudence. Capital punishment, and that alone, directly violates this rule. In theory, the half-distracted girl who to save herself from shame and her infant from starvation secretly destroys it, and the ruffian who has been in the habit of poisoning any relations and friends who might happen to stand in the way of his selfish schemes, are confounded in one and the same fatal doom. In practice, this system is rendered less glaringly vicious by that process of evasion the objections to which have just been noticed, and under which the least criminal of those who are guilty of murder usually escape death and are punished as for other crimes. But this mode of proceeding, objectionable as it is on other grounds, is only an imperfect remedy for the evil under consideration. The murders for which juries are willing to convict and the Secretary of State to confirm the sentence are still so various in point of

moral guilt that to punish them all in the same degree is inconsistent with any intelligible notion of justice. For the destruction of life in a fit of uncontrollable passion, or from revenge for a flagrant wrong, the same tremendous penalty is exacted as for a deliberate, cold-blooded assassination for the sake of gain,—as for the calculating murder of a husband or a wife, a parent or a friend. Whether or not this is a necessary evil is not here the question. It is certainly a serious one, and it is also one which would cease to exist if a secondary punishment were substituted for that of death. Penal servitude, without hope of escape as long as life should last, would probably be the penalty which in the event of such substitution would be assigned to every crime which was murder before the law; but the incidents of such a punishment, as for example the amount of solitary confinement or of severe labour to be undergone, might easily be varied so as to correspond with different degrees of guilt, and without risk of obliterating the broad line of demarcation which would still separate the fate of the murderer from that of all other offenders.

e. To the criminal who undergoes a secondary punishment time is allowed in which to reflect upon and arrive at a right estimate of his offence, and to show, as far as is possible, by his conduct that he has done so. To the murderer—the worst of criminals—no such opportunity is afforded. The hours which intervene between the dock and the gallows are marked by feverish alternations of hope and despair. Remorse may find a place in many such intervals—penitence in

few. The crime which by society and by the law is considered the gravest of all is also that of which the perpetrator is denied any chance but the faintest of that genuine repentance which, except in rare instances, implies the full possession of the faculties, and without time for thought and scope for action can seldom be attained. The necessity must indeed be serious and urgent which can warrant such a deprivation. The "expense"* of a punishment which makes reformation impossible is, it must be admitted, formidable in the extreme.

f. It is not likely that in England executions will ever take place otherwise than in public. It seems more probable indeed, so far as this country is concerned, that capital punishment will be discontinued altogether than that it will ever be inflicted except in the full face of day. There is that in our national character to which secret executions are peculiarly abhorrent; and as it does not appear that there is any such very decisive preponderance of sound argument in their favour as might be expected gradually to overcome a popular prejudice, it cannot reasonably be anticipated that they will ever find a place in our penal system.

Such being the case, we are entitled, in an inquiry which relates to the criminal legislation of this country, to treat the publicity of executions as a necessary incident of capital punishment. And this publicity, while on the whole (as has been before observed) it must be considered as adding to the deterrent power of the infliction, adds also enormously to the amount

* See *ante*, p. 80.

of objection which may be offered to it. It may well be doubted whether any right-minded man, unless actuated by some notion of social duty, would ever attend these exhibitions. By far the greater number of those who witness them do so for the purpose of gratifying some kind of vicious inclination; and it is needless therefore to say that they are those who occupy the lowest place in the moral scale. The least objectionable of these propensities is a morbid appetite for that sort of excitement which proceeds from a contemplation of the painful and the horrible. The desire of vengeance —the thirst for blood—the delight in human suffering —the mere abstract love of evil—are among the other inducements which bring men, women, and children from their beds to shiver for hours at the foot of the gallows. It is not necessary here to describe scenes which have been so often dwelt upon, and of the character of which there can be but one opinion. The outrage upon society—the opportunity and incitement which are given to the most degraded characters to insult and domineer over the sense of decency and right in the better portion of the community,—are not the worst of the mischiefs which they involve. Compassion for the criminal combined with detestation of his crime;—grief, not unmixed with horror, at the stern necessity of taking from him that which man can neither give nor restore—the mysterious and sacred gift of life;—a quiet and serious demeanour;—sorrowful, anxious, and reverent thoughts:—these should be the accompaniments of an execution. Execration and derision;—oaths, taunts, jeers, and sarcasms,

levelled indiscriminately at the culprit, the hangman, the clergyman, and the ghastly apparatus of death ;—blasphemy, ribaldry, cruel exultation, impious mockery, drunken and hideous revelry ;—these are its actual retinue. It is not easy to over-estimate the amount of demoralisation which must ensue from such an event so treated. The behaviour of the assembled multitude is not only frightful in itself ; it is precisely the opposite of that which reason and morality prescribe for the occasion ; and thus a double offence is committed by, and a double moral injury done to, the spectators. It is needless, however, further to enlarge upon this part of the subject. An evil which in the United States has led to the adoption of a system so repugnant to the spirit of free institutions as that of private execution, and which in this country caused the appointment of a committee of the House of Lords to consider the expediency of a similar course, cannot be said to be unrecognised, or to be treated as of less than great and primary importance.

Such appear to be the principal objections to which the punishment of death, considered without reference to the question of its efficacy, is liable, and from which secondary punishments are free.

It does not appear that these objections are to a material or even appreciable extent counterbalanced by any advantage exclusively belonging to that punishment so considered.* According to a common opinion,

* The advantage ascribed to Capital Punishment on the ground that it absolutely prevents a repetition by the criminal of the crime for which he suffers could only exist if (as is sometimes asserted)

one such advantage is that death, whatever positive suffering it may cause to the murderer, is, relatively speaking, no injury at all to him, since the alternative, life, would be intolerable from the effect of a remorseful conscience. It is to be observed, however, that, speaking generally, a very different view of the case is taken by the criminal himself. Condemned murderers may indeed occasionally be found upon whose consciences their crime sits so heavily that the prospect of death is more or less welcome to them. But, in general, such persons exhibit an intense and eager desire to preserve their lives which could not easily be surpassed. Moreover, experience seems to prove that in a minority of cases only can it be said that remorse is so intolerable as to make life a heavier penalty than death. There is no reason to suppose, so far as most criminals are concerned, that an existence passed in penal servitude, however painful and irksome it may be, is free from all sources of consolation, or so unendurable as that death would be a relief.

The fact noticed by Bentham* that while the apparent severity of capital punishment is greater, its real

sentences of penal servitude ending only with life could not be literally executed. But even were the existence of this advantage admitted, it would be no very great, still less of any conclusive, importance, as against the weight of aggregate objection.

* *Principles of Penal Law*, B. ii. c. 12. "Capital Punishment examined."

It must not be forgotten that Bentham, the great value of whose authority on this question is enhanced by the fact that he wrote in an age when many offences besides murder were punished with death, has given his opinion against capital punishment even for that crime.

severity, if only the actual pain inflicted upon the criminal be regarded, is less than that of others, might also appear to be an advantage of the kind referred to. But, as Bentham himself observes, it is in the apprehension of death, and not in the actual experience of it, that the greater part of the misery endured by the criminal consists; and those who reflect on the terrific agony of the last few days of a forfeited life will not be disposed to deny that even on the score of direct and positive suffering this punishment has no equal in the penal code of civilized nations.

Having thus obtained an answer to each of the questions which it became necessary to consider, viz.: first, as to the degree of comparative efficacy, and secondly, as to the amount of comparative evil, we are now in a position to strike the balance between these results, and to decide whether there is any such superiority in point of efficacy on the side of capital punishment as to countervail its peculiar disadvantages. Nor can the decision be a matter of any difficulty. It has been seen on the one hand that, while there is no certainty that a secondary infliction might not be substituted in this country for that of death without any loss whatever, or even with a considerable gain, of deterrent force, there is every probability that any such loss, if it were really incurred, would not be great; and, on the other, it cannot be denied that the evils which have been indicated as exclusively characteristic of capital punishment, and which are not balanced by any advantage of importance exclusively belonging to it, are in the aggregate of immense magnitude. These

two considerations, taken together, appear to be conclusive as against the retention of this punishment on our penal code.

It appears, then, that of the three grounds on which capital punishment for murder is defended two are are entirely untenable; while on the third, which is that on which only there is room for serious or lengthened discussion, the balance is in favour of the advocates of change. Those to whom the process by which a conclusion opposed to the penal destruction of life has thus been arrived at is unsatisfactory will, it is hoped, admit that the question has at least been presented in such a form as that the precise link in the chain of reasoning which is supposed to be defective may easily be pointed out, and the precise bearing upon the general issue of any error which has been committed readily perceived. But, if the argument is unsound, let it be confuted. The subject is one of serious and terrible moment; and indifference or inaction with regard to it on the part of those who possess any means of influencing public opinion is only to be justified by a carefully-informed conviction that the system which sends murderers to the gallows will satisfy the most searching test of philosophical examination.

Since the first publication (in 1861) of the preceding observations, the subject has been referred to the consideration of a Royal Commission. In their Report the Commissioners state that they are unable to agree upon the answer to be given to the question whether or not the punishment of death should be altogether

abolished; but they are unanimously of opinion that there are only two kinds of murder for which it ought to be inflicted, viz.:

1. Murder committed "with express malice aforethought, such murder to be found as a fact by the jury."

2. Murder committed with a view to the perpetration, or escape after the perpetration, or attempt at perpetration, of "murder, arson, rape, burglary, robbery, or piracy."

They also advise the discontinuance of public executions.

It is obvious that a very considerable concession has thus been made to the advocates of abolition. A report which recommends that death should no longer be the punishment for a large class of the crimes to which it has hitherto been assigned, and refrains from expressing an opinion as to the expediency of retaining it for the remainder, is favourable in a very important degree to the views of those who are opposed to the infliction in any case of such a punishment.

There are many persons to whom it will appear that no further alteration in the law is required than that which is proposed in the Report, and by whom, thus restricted, it will cease to be considered objectionable. Nor can it be doubted that by such a change the case against capital punishment, as operative in this country, would be diminished in force. Whether it would be so far weakened as no longer to be conclusive,—whether, supposing the change to be made, and some of the evils attendant upon capital punishment thereby removed, there still remains reasonable ground for the

preference of a secondary infliction,—is another question, and one which we have now to consider.

The argument from which it has appeared to follow that capital punishment ought to cease altogether is in effect this:—that such a mode of punishment (considered without reference to its effect upon crime) is open to certain serious objections from which secondary punishment is exempt; and therefore that, unless it can be shown to be greatly superior in point of deterrent effect to secondary punishment, secondary punishment ought to be preferred. In other words, it is a question of comparative objection on the one hand, and comparative efficacy on the other. To what extent, then, would (1) the comparative objection, and (2) the comparative efficacy be affected by the proposed change?

The peculiar grounds of objection to capital punishment may be shortly expressed as follows:—(1) Sacredness of human life; (2) irreparability; (3) frequent non-enforcement of the law, and excessive use by the Executive of its dispensing power, to the discredit of public justice; (4) invariability; (5) impossibility of reformation; (6) scandal of public executions. Of these the third, fourth, and sixth are those upon which any effect would be produced by the adoption of the recommendations in the Report.

The third objection—the frequent non-enforcement of the law—would, it is evident, to a certain extent be met by a change which would confine the punishment of death to those murders which are looked upon with the greatest aversion, and for which juries would therefore be less unwilling to convict, and the Home Office

less frequently induced, by the pressure of public opinion, to commute the sentence. But, though mitigated, the evil would by no means be removed. It is not only with respect to charges of unpremeditated murder that a reluctance on the part of juries to convict is observable, or that the Home Office is impelled, by the persistent efforts of humane persons, to substitute penal servitude for death. In recent trials especially, the disposition of juries to acquit in the face of the clearest testimony, and of the public to interpose to protect from execution, murderers whose crimes have been committed with the utmost deliberation, has been conspicuously displayed.

The fourth objection to the existing law—that it inflicts a penalty invariable in degree for crimes which involve very various degrees of moral guilt,—would necessarily be diminished in force by a change which would in future exempt from that law a large class of crimes now subject to it and involving a minor degree of guilt. But, in practice, the course proposed by the Commissioners would not effect any very important alteration in this respect. Practically (as has been already shown), owing to the general disinclination to enforce the law, few of the crimes which legally are murder but partake of the nature of manslaughter, and which would no longer be punished with death if the recommendations of the Commissioners were adopted, are now so punished; and the charge of an invariability inconsistent with sound principles of legislation can be sustained, irrespectively of those crimes, against the punishment of death. A law which

would award the same penalty to a murder prompted by revenge for some flagrant and serious wrong as to the murder of a parent or a friend for the sake of pecuniary gain, provided only that both crimes were deliberate, could claim no immunity from such a charge.

The sixth objection would be entirely removed if recourse were had, as proposed by the Commissioners, to private executions: but, as before remarked, it seems improbable that the system of private executions will ever be resorted to in this country.

It appears, then, that of the objections peculiar to capital punishment two would be considerably diminished in force, but would not be obviated, by the legislation which the Commissioners propose, and that one only would be actually removed; the particular proposal by which its removal would be effected being a proposal of which it would be sanguine to anticipate the adoption.

On the other hand, the efficacy of capital punishment, limited in its application as advised by the Commissioners, would undoubtedly be to some extent increased. The present inefficacy of that punishment is mainly owing to the state of public opinion upon the subject, and to the consequent reluctance of the authorities, legal and executive, to enforce it: and in the case of the crimes to which the Commissioners desire in future to confine its operation, that reluctance would be less active in so far that these crimes, being deliberate, are therefore more heinous. But, as already observed, it is not only in respect of

murders which are committed without deliberation that the general aversion to the punishment of death prevents its enforcement. From the legal penalty for crimes which, if committed at all, must have been premeditated, it is found that the criminal has now a chance of escape far greater than that which would be open to him if a secondary punishment were the consequence of conviction. Evidence which in that case would at once be decisive is jealously sifted or simply discredited when the life of a human being depends upon its invalidity. It is seldom that a jury will convict on charges of murder however deliberate, or that the public will abstain from making an effort to save the life of the criminal after sentence, unless the evidence of guilt has been far more than ordinarily conclusive. In other words, the causes which impair the efficiency of capital punishment as a preventive of the class of crimes to which it is at present applied would, though reduced in force, remain powerfully operative even in the event of the contemplated amendment of the law.

The question then is, Would the efficacy of capital punishment, limited in the manner which the Commissioners propose, be so far superior to that of secondary punishment for the same crimes as to compensate for the peculiar evils which, even when thus restricted, it would involve? We have just seen that against that fear of death which is undoubtedly the strongest deterrent there would still have to be set a very great though diminished amount of comparative uncertainty in its infliction. The superiority, therefore, of capital punish-

ment in point of efficacy would remain doubtful, and might possibly have no existence; while the objections which exclusively belong to it would still be extremely strong,—so strong that, even supposing the superiority to exist, and to be considerable, the objections might fairly be held to overbalance it. Looking to the aggregate force of those objections, it might reasonably be contended that even if capital punishment as inflicted under the new law were decidedly the more powerful deterrent, it would not be so much more powerful in that respect as that it ought to be retained. Such a punishment might well be considered too great a price to pay even for an important gain in regard to the prevention of crime. There are indeed many persons who would be ready to sacrifice almost any amount of deterrent force rather than maintain a penal law which appears to them so unworthy of a civilized age. In the general opinion, this view of the subject proceeds upon an exaggerated estimate of the character of the infliction; but, on the other hand, there is no such inferiority on the side of secondary punishment in point of repressive power as that which it supposes. It seems very doubtful whether the destruction of life, even for deliberate murders only, would afford any greater security against crime than a less questionable penalty, and certain that it would afford no such additional security in that respect as to compensate for the serious and formidable evils by which it is attended and from which secondary punishment is free.

THE BANK CHARTER ACT OF 1844.

THAT men should be allowed to trade with each other on whatever terms and to whatever extent they please, and that no commercial transaction ought to be prohibited or restricted on the ground that it may be so carried on as to inflict loss upon those concerned in it, is a general rule of political science the disregard of which has wrought in its time incalculable evil, but which during the last twenty years has been sufficiently recognised in this country. It is now generally understood, in England at least, that the proper remedy for the evils occasioned by the breach of commercial engagements is not to prevent or limit them, but to pass such laws as may be most expedient in case they are unfulfilled. The interference of the State with respect to the metallic currency of the country can scarcely be considered as an exception to this rule. It is an interference, not to prevent or limit the particular kind of commercial transaction to which it applies, but in order that the transaction may be really what it professes to be. It imposes no limitation or condition whatever upon the use of metallic money, except that of manufacture by the State. It is an

exception, based on considerations of peculiar cogency, to the maxim "caveat emptor," rather than to the principle of free-trade. The only direct and positive instance, of any great and general interest, in which the rule is now set aside is that which is afforded by the monetary legislation of 1844.

It must be confessed that this legislation (which, applicable in the first instance only to England, was extended in the following year to Scotland and Ireland) is as vigorous as it is singular. The original intention appears to have been to permit the issue of notes, under severe restrictions, by the Bank of England alone. As it was, the Bank of England was prohibited from issuing notes to an amount exceeding 14,000,000*l.* beyond that of the coin or bullion in its coffers, except in so far as they were substituted for those of any country bank which were no longer in circulation, of which substitution (limited to two-thirds of the lapsed issue) the whole profit was to be made over to the State; and no such issue was permitted at all except upon securities, of which the debt due to the Bank by Government (11,000,000*l.*) was to form a part. The issue of notes other than those of the banks of issue then existing was made illegal; and, except the Bank of England, no bank was to increase its circulation beyond the amount at which it then stood. Power was taken by the Government to deprive any bank of the privilege of issue; a maximum of six was fixed beyond which no addition to the number of partners in any private bank possessing that privilege could take place; and other vexatious restrictions were

imposed—the intention evidently being that the whole paper circulation of the country should ultimately be in the hands of the Bank of England. Thus a monoply of issue was given to certain banks, not one of which, except the Bank of England, could be supposed to have even the shadow of a claim to such treatment; and it was in effect enacted that no bank except those so favoured, however great might be its wealth and however admirable its management, should in future be allowed to issue notes. Thus also it was provided that, whatever might be the increase in the wealth and metallic circulation of the country, there could be no increase at all in the note circulation of country banks, and no increase in that of the Bank of England unless with a corresponding decrease of the proportion borne by the amount of notes which it might issue to that of its metallic reserve. Two distinct and formidable weapons—monopoly and restriction—were brought into play against a most important branch of commercial business by a Minister who, it is as well to remember, was not yet converted to free-trade. And, when to this statement of the effect of the Act it is added that on two out of the three occasions of serious commercial difficulty which have occurred since it was passed the Act was suspended on the unanimous demand of the trading classes, few will be found to deny that a *prima facie* case of singular force has been established against it. The measure was not only a departure from an economic principle of admitted soundness and extreme importance, but a very wide and evident departure

from that principle ; and it has been found intolerable in the very circumstances with a view to which it was adopted. Right or wrong, a heavy burden of proof unquestionably rests upon its supporters.

Now, what are the grounds upon which an enactment so extraordinary and exceptional was proposed and is defended? Two principal reasons were given for it by the more moderate and judicious of its advocates, one of which may be summarily dismissed. This was, that the calamity commonly known as a "commercial crisis" is seriously aggravated by the stimulus given to the undue speculation which is a frequent cause of such a phenomenon, as well as to the "drain of gold," which usually accompanies it, by the unrestricted issue of bank-notes. It is obvious that this statement, whatever amount of truth it may contain, affords no ground whatever for a measure such as that under consideration. It will hardly now be contended that the evils, however great, which mercantile insolvency inflicts upon the country are of a kind to justify an exceptional violation of the great law of unrestricted trade. The time is gone by for preventing commercial enterprise from becoming ruinous by legislative limitation of the means employed for carrying it on. If the object was to prevent or mitigate commercial failures, there could be no better justification for restricting the amount of notes than there is for restricting the amount of bills of exchange or other mercantile obligations,—a course which no one has ever been bold enough to propose. The more plausible ground upon which banks were subjected to the legislation of 1844 was of

a different kind. It was represented by the authors of the measure that on several occasions, when the country had been suffering from monetary derangement, the proportion between the notes issued and the cash held by bankers had become such as to endanger, and in the case of many country banks actually to destroy the convertibility of the note, causing great and wide-spread disaster; and that the importance of averting for the future any danger of the kind was such as required a resort to extraordinary and special legislation.* Another effect which is very commonly attributed to and held to justify the measure does not require any serious consideration. It is supposed by many persons that the Act, by limiting the circulation of notes, prevents their being issued (as it is termed) "in excess," that is, to such an amount as to induce more or less depreciation and consequent disaster. The fallacy of this supposition has been sufficiently shown. It is now well understood that the depreciation of a convertible paper currency, so long as its convertibility is maintained, is impossible; since on the very first symptom of such depreciation it becomes profitable to exchange the notes for gold. So long as the notes are duly cashed when presented for payment, there can be no fall in their value such as that supposed; and the only discredit to which they can be liable is of that

* A third reason for the Act, of the same character as the first and therefore inadmissible, was given by Sir Robert Peel in his speech of December, 1847, on Commercial Distress, viz. the expectation that the Act would prevent "by early and gradual, severe and sudden contraction;" but he mentioned it only to admit that the expectation had been disappointed.

complete and final kind which follows the refusal of their issuers to convert them.

Thus in discussing the expediency of the Bank Charter Act we shall be warranted in assuming that the evil which it is intended to avert, and as a remedy for which it can alone with any show of reason be defended, is simply a recurrence in times of serious commercial difficulty of that danger to the convertibility of the note by which such periods are considered to have been characterized. Nor can it be denied that the evil thus apprehended has peculiar features which afford, if not a perfectly satisfactory, at least a plausible ground for treating it as an exception to general principle. The disasters caused by the failure of mercantile credit and the depreciation of mercantile paper are serious enough. Probably indeed they involve an actual loss of property quite as great as any which is occasioned by the insolvency of banks of issue. But the loss in such cases is confined to comparatively few persons, all of whom have or may be supposed to have some special opportunity of judging as to the trustworthiness of the paper on which they have relied. The ruin consequent on the inability of banks to cash their notes is spread over a much wider area, runs through all the complicated transactions of trade, and affects a class of persons who have practically no means of judging as to the solvency of the issuers, and by whom such losses are commonly irretrievable.

It may then not unfairly be contended, and may be conceded for the sake of argument, that the evil of which the Act was passed to prevent the recurrence,—

the danger to the convertibility of the note,—was such as to justify some kind and degree of exceptionally restrictive legislation. But, in order to decide whether the particular remedy described by the Act for that evil was or was not expedient, it will be necessary to consider (1) the efficacy of the remedy; (2) its cost; and (3) whether, looking to the nature and extent of the evil to be cured, its cure (supposing the remedy to have been effectual) was worth that cost.

With respect to the *first* point, the efficacy of the remedy; it is generally admitted that the Act of 1844 has effected that which we are assuming to be its object,—the removal of all possibility of danger at certain critical periods to the holders of paper currency on account of the relation between the notes of banks and their cash in hand. It is desirable, however, to bear in mind that (as has been already observed) the Act is composed of two principal ingredients, monopoly and restriction; and that monopoly, considered as a means of providing a trustworthy currency, is, in itself, an expedient of at least doubtful efficacy. The most natural effect of it is precisely the reverse —to induce reckless trading on the part of the banks so privileged, and to remove from them that inducement which free competition supplies to dealers in bank-notes, as in any other commodity, to improve to the utmost the quality of the article in which they deal.

The *second* question for consideration is the cost of the remedy which the Act provides; and this, fully understood, we shall find to be enormous. Banks of

issue are banks which, besides lending the metallic money at their disposal, lend also their credit in the form of notes payable on demand; and these notes are just so much (less the sum retained to meet demands for their conversion into coin) added to the general fund available for the purpose of profitable investment, whether in the way of production or exchange. Moreover, the addition thus made to the means of increasing the national wealth is an addition which possesses a peculiar value. All the operations of commerce and productive industry are effected through the instrumentality either of credit or of metallic money. As applicable to this purpose, credit compared with metallic money has this advantage, that its cost is inappreciable; metallic money compared with credit (under any of its forms except that of bank-notes) has the advantage of being not to a limited extent only but completely effectual. Bank-notes combine both these advantages. They can be supplied at no appreciable expense, and on the other hand, their circulation is not, like that of other forms of credit, confined to a limited class of persons and transactions, but (if allowed to be issued for sums sufficiently small) they are as available for every operation of production and exchange as metallic money itself. In so far then as legislation prevents the issue of bank-notes, it prevents the use of a singularly efficacious instrument of commercial and industrial progress.* And that the Act of 1844 must have done

* The prohibition of notes below 5*l.*—that is, of notes such as are almost exclusively available for purposes of production (since

this to a very serious extent the nature of its provisions leaves no doubt. Accordingly, we find that the Bank of England, with property in capital and deposits nearly double that of the Bank of France, has a paper circulation less by one third; that, notwithstanding her immense commercial inferiority, and though she possesses but one bank of issue, the total note circulation of France is very nearly equal in amount to that of this country; and that, notwithstanding the enormous increase of its trade and metallic currency, the note circulation of this country is at the present moment not materially greater than it was in 1843.

But this is far from being the whole, or even the most important part, of the price which the nation pays for the Act of 1844. Of all the causes which conduce to commercial prosperity, none can be imagined more important than a freely and fully developed banking system. The immense services rendered by banks in facilitating and cheapening mercantile transactions, and especially in providing profitable employment for money which would otherwise lie idle, or would be wasted in unproductive consumption, seems to be even now very imperfectly understood. As it is, the great increase of banking business which has taken place in this country since the year 1826 (when the successful efforts of the Legislature to make banks few and inse-

notes for a higher amount can rarely be used in payment of wages) —was not the work of the Act of 1844, but of a previous law passed on account of and immediately after the bank failures of 1825.

cure by limiting the number of their partners to six were at length discontinued) has contributed, there can be no doubt, in a very material degree to its extraordinary advance in wealth and prosperity. But that the Act of 1844 has seriously impeded the full and healthy development of banking business in this country is certain. By the monopoly of issue which it established it removed the inducement to the formation of banks and to the accumulation of deposits in them which is afforded by this important source of profit; while, by closely limiting and encumbering with vexatious conditions the issues of the privileged banks, it in the same manner checked the flow of deposits into them. Prevented from issuing notes, or closely limited in their issues, banks are debarred from a natural and legitimate source of profit, and are either unable to pay any interest at all, or any but a low interest, to depositors, or are obliged to resort for the purpose to investments more or less hazardous; and banking is thus not only discouraged, but made, where it is in operation, less secure. The cost of the Act, in this effect of it, can scarcely be over-estimated. It is hardly possible to place a limit to the advantage which might result from a measure which should remove the obstructions now existing to the free and prosperous action of safely conducted banking establishments, considered especially as a means of attracting and turning to immediate profit the vast amount of money which now, held in small sums by a multitude of persons, is dissipated unproductively or recklessly invested, in the absence of any readily

and constantly accessible channel for its profitable employment.

Such being the amount of evil (whether with or without any compensating advantage in the particular purpose which it fulfils is not here the question) inflicted upon the mercantile interests of the country by the Act of 1844 when trade is pursuing its ordinary course, we have now to enquire what is its effect upon them in times of commercial difficulty and distress. The immediate occasion of what is termed a "commercial crisis" is a sudden and general contraction of credit; and there are two causes by which, taken either separately or together, this effect is chiefly produced. The first is that which is commonly called "over-trading," or, in other words, excessive commercial or industrial speculation; and in this case the course of events is generally as follows. The unusual extension of credit produces a rapid rise of prices, or in other words a fall in the exchange value of the precious metals. The precious metals therefore begin to leave the country in search of a better market, and thus the loan fund is diminished; while on the other hand, the perceptible approach of the collapse of speculation causes an unusual demand for money on the part of speculators for the purpose of postponing the evil day. Thus the rate of discount advances under the double action of reduced supply and increased demand. Credit is still further contracted by the panic which begins to affect lenders, and those speculators who are unable to obtain further advances are compelled to sell their goods at the best

price they can obtain. Prices accordingly begin to fall; there is a general eagerness to sell in order to avoid still greater losses; and the result is a glut of the market and a still further fall of prices, which will continue for a longer or shorter time, and with more or less ruinous consequences, according to the height to which undue speculation has been carried, and the amount of temporary assistance which those traders whose solvency is endangered are able to obtain. Now what, in such a condition of affairs, is the effect of the Act of 1844? Observation of actual facts has proved* beyond doubt that it is not until a comparatively late stage of the process, and after prices have greatly risen, that there is on such occasions any considerable increase of bank-notes, and that the rise of prices is caused, primarily and mainly, not by bank-notes, but by the extension of mercantile credit. As long indeed as notes which were applicable to the payment of wages were in circulation, it is probable that, when the prevailing speculation had advanced far enough to reach the producers† (in its first stage it is usually confined to dealers) bank-notes had some effect in increasing prices; but since notes of a value below 5*l.* have been prohibited, banks of issue have been deprived of even this amount of influence in the case. Undoubtedly, when speculation has reached its full height, and the first symptoms of the unsound condi-

* The fullest evidence on this point is to be found in Tooke's "History of Prices." See also "Principles of Political Economy," by J. S. Mill, vol. ii. p. 191.

† *See* "Principles of Political Economy," by J. S. Mill, vol. ii. p. 195.

tion of affairs begin to show themselves, there will be an unusual demand for and a large additional issue of notes for the purpose of enabling speculators to avoid a ruinous sale of the goods which they hold; and in this manner the inevitable catastrophe is postponed for a time, only that it may be more fatal when it actually occurs. In so far, therefore, as at this particular juncture the Act of 1844 restricts the issue of notes, it must be considered as having a tendency to mitigate the evils of the time. But when once the tide has turned and the disaster has begun, its operation is mischievous in the extreme. There is no longer any fear of ministering to undue speculation, or of aggravating the calamity by keeping speculations afloat. It is not the use, but the disuse, of credit that is now in excess. The fall of prices, and the ruin consequent on it, increased by increasing panic, go far beyond the point of natural and necessary reaction; and not only hopelessly insolvent concerns, but those of whose ultimate solvency there can be no question, are carried away by the torrent. At such a time the cautious advances of banks are of the utmost value in protecting those whose business is substantially sound, and in mitigating the effects of a panic as unreasonable as the over-confidence from which it is the rebound; and the Act, by preventing all possibility of such timely assistance, seriously adds to the confusion, dismay, and ruin which prevail.

The second of the two causes to which a commercial crisis is mainly attributable is a large and sudden reduction of the general loan fund either by the with-

drawal of money for loans to foreign governments, or for the purpose of home or foreign investment, or on account of an unusually large "balance of trade" against this country. Of this character, wholly or chiefly, were the monetary difficulties of 1815, 1839, and 1847. As applicable to such occasions, it is certainly not surprising that the expediency of the Act of 1844 should have been called in question. The ordinary business of production and trade is for the most part carried on by means of advances of money to be repaid when the profits of the several transactions for which the money is borrowed has been realized. The effect then of a sudden and violent contraction of the loan fund is not only to prevent *pro tanto* the renewal of those advances, and to bring to that extent commercial and industrial operations to a stand-still, to the serious loss of those engaged in them, but also that many producers and dealers who require, and would, in the ordinary state of affairs, have obtained an extension of credit, are suddenly called upon to repay the advances made to them. Notwithstanding therefore that their business may be in a perfectly sound condition, and that, with the time ordinarily allowed to them, they would have been able to close profitably the operations in which they are engaged and to fulfil all their obligations, they are compelled to suspend payment. Other traders who have had dealings with them participate in the disaster; and a panic ensues which may lead to any amount of difficulty and distress. Now in this case the issue of notes, in so far as it enables dealers and

producers to continue their business, is an unqualified advantage; it is a proper and natural mode of alleviating the disorder. There is here no question of encouraging rash speculation, or of injuriously retarding a collapse; neither rash speculation nor collapse being among the circumstances of the case. So far then as the Act prevents at such periods any issue of notes which would otherwise take place (it must be remembered that we are, for the present, leaving out of consideration its value considered as an effectual remedy for a particular evil), it is simply and seriously mischievous. That the mere accident of an export of gold or of an unusual demand for it on account of productive enterprise at home, which in itself so far from diminishing adds to the real wealth of the nation, should have power to bring about so much calamity, is an evil greatly to be deplored, and which could only be completely cured by such an increase of mutual confidence, based upon an increase of honesty and prudence, as to admit of the more liberal use of credit under all its forms in substitution for coin. But a law which prevents this remedial employment of credit, in its most effective shape, to the extent or anything like the extent to which but for that law it would even now be possible, ought to have some immense countervailing advantage to recommend it.

Such, reasoning from the nature of the case, we find to be the cost of the Act of 1844 in periods of monetary derangement considered as arising either from excessive speculation, or from a mere contraction of the loan fund in the ordinary condition of mercantile

affairs. But it is not upon reasoning alone that we have in this case to depend. Since the passing of the Act three instances of "commercial crisis" have occurred—the first of which, that of 1847, is attributable to the former, and the second, that of 1857, to the latter of the two causes; while the third was of mixed origin, in which both causes had part. The first and second of these events were not only far more serious in degree than the third, but were among the very worst calamities of this nature that have ever occurred; and in both of them it became necessary, on the urgent demand of the whole mercantile community, and for the purpose of averting that which it was no great exaggeration to call "universal bankruptcy," to suspend the Act of 1844. The inexpediency of the Act, as applicable to monetary disorders of an aggravated type, is thus demonstrated with a force which no *à priori* argument however conclusive could be expected to bear. The third occurrence of the kind referred to is the pressure and embarrassment from which the money market has recently suffered, and from which it has even yet but imperfectly recovered.* It has been the result of a combination of causes, among which the demand upon the loan fund consequent on the multiplication of Joint Stock Associations, and the failure of speculations in cotton, were the most active, but which, taken together, have not been sufficient to cause a "crisis" nearly so calamitous as those which preceded it. The fact therefore that the Act has in this instance been allowed to remain in force in no way

* This paper was first published in May, 1865.

neutralizes the inference which we have drawn from its suspension on former occasions. It is evident that so strong a measure as the temporary repeal of the law was not likely to be adopted by the Government unless the evil had reached a stage far beyond that which it recently attained. Still less is there any ground for appealing to the comparative mildness of the late monetary disturbance as a proof of the expediency of the Act. For, in the first place, if the Act had really had any such salutary effect in restraining and regulating mercantile and monetary transactions as that which is thus attributed to it, that effect (as has been before observed) is not one of a kind which it is the business of legislation to produce; and in the next we have shown that in cases of commercial distress, occasioned (as they usually are) by one or both of the two causes to which the recent pressure is mainly attributable, the Act (apart from the service which it renders in protecting the convertibility of the note) is not only not beneficial but directly and seriously the reverse.

It is evident, then, that whatever may be the value of the Act considered as a remedy for a particular evil, it is a remedy of which the cost is extravagantly and ruinously high. In an ordinary state of commercial affairs the severe restrictions which it imposes upon the issue of bank-notes inflicts direct injury upon the nation by paralysing a singularly effective agent of exchange and production, and less direct but still more serious injury by stunting the natural growth of institutions of vital importance to the general welfare; while in the exceptional periods of commercial diffi-

culty, it acts as an aggravation of the prevalent distress, such as (to say the least) is far from being counterbalanced by any beneficial effect which it may have as a restraint upon speculation. We have now to consider, *thirdly*, what was the real nature and extent of the evil which this costly expedient was devised to meet. The evil was an alleged danger to the convertibility of the note:—what was the actual amount of that danger? It shrinks, looked fairly in the face, into much smaller proportions than is commonly supposed. In the usual condition of the money market no such danger had ever been apprehended: it was only at certain abnormal periods of mercantile embarrassment that there was any question of its existence. To what, then, at such periods, did it really amount? And first, with respect to the Bank of England. The earliest commercial "crisis," of which there is any record, occurred in the year 1783, and was the result of "over-trading." In that year the coin and bullion in the bank of England sank so low as to cause some anxiety: but the anxiety proved to be groundless; for the Bank, by judicious management of its issues, rode out the gale in perfect safety. The next occurrence of the same kind was in 1793, when, so far from there being any danger to convertibility, the extreme caution of the banks in averting any such danger was the subject of urgent remonstrance on the part of the trading classes; and the Government was actually induced, by an issue of exchequer bills, to supply the "accommodation" which the banks did not think it safe to afford. In 1797 another "crisis"

occurred; and the coin and bullion in the Bank having fallen to about 1,000,000*l.* while its circulation was about 8,000,000*l.* the Government interfered by suspending cash payments. But for this measure (mischievous as it was in principle, and as it proved to be in practice) there could have been no real necessity. The issues, though high in proportion to the coin and bullion, were already in course of rapid contraction; and the state of the foreign exchanges indicated a reflux of gold either actual or close at hand. From this time until 1817, when cash payments were substantially resumed, the notes of the Bank of England were inconvertible. In 1818, a "crisis" took place, in which the metallic reserve of the Bank fell to 8,000,000*l.* against a circulation of 28,000,000*l.*; and it was thought necessary again to suspend cash payments. Here, again, it may well be questioned whether the measure was really necessary: but supposing it to have been so, the fact affords no evidence of the danger of unrestricted convertible issues. For the Bank, having every reason which past experience could give to believe that in case of any pressing emergency caused by over-issue the Government would put an end to cash payments, was freed from those ordinary motives to caution by which it would be guided in the event of a repeal of the present law. Cash payments were finally re-established in 1823; and the next serious derangement of the money market was in 1825. During this derangement (perhaps the most calamitous event of the kind which has taken place in this country) the amount of coin and bullion in the Bank

fell to 1,000,000*l.*; and it was obliged to recruit its supply of ready money by borrowing 300,000*l.* of Messrs. Rothschild. The next period of trial was in 1839, when the coin and bullion fell to 2,500,000*l.* against a circulation of about 17,000,000*l.*; and the Bank was compelled to borrow 2,000,000*l.* of the bankers of Paris. The small amount to which on these last occasions the gold and silver in the Bank were reduced, and its compulsory resort to loans, on both of them, have been appealed to as in themselves going far to justify the Act of 1844. It is difficult to understand upon what grounds. The metallic reserve of the Bank was, it is true, at a low ebb; but there was neither a run upon it by the holders of notes, nor any rational ground for apprehending such an event. One might have supposed it more logical to anticipate from the circumstances of the case similar circumstances in any future case of the same kind; and that an establishment which had borne uninjured so exceptionally severe a trial might be relied on to meet with the same immunity any equally or less critical emergency. Moreover, on the second occasion at least, it seems that the loan was made by the Bank rather from excessive caution than from real necessity, since the tide had already turned and the reflux of bullion was assured. The prevalent notion that a degree of discredit, more or less affecting the whole nation, attached to the application by the Bank of England to the Bankers of Paris for assistance, is so purely sentimental as not to require any serious notice; but it may be worth while to mention, for the consolation of those

who entertain it, that during the next "crisis" (that of 1847) a similar application was made by the Bank of France to the Bank of England.

With respect to the country banks, the case is different. There can be no question as to the wide-spread disaster, consternation, and misery which has been caused in times of monetary difficulty by the inability of country banks to redeem their issues. But it is to be observed, first, that no such disaster had ever occurred among the banks of Scotland (owing doubtless in great part to the fortunate neglect with which they had been treated by the Legislature), and therefore in the case of Scotland the evil was non-existent, and the remedy wholly uncalled for. Secondly, that as regards the rest of the United Kingdom, every serious calamity of the kind which has occurred among the country banks is of a date previous to the repeal, in 1826, of the legal prohibition against the existence of banking partnerships consisting of more than six persons. It is not surprising that under such a law, which gave in the business of banking a species of monopoly to private traders, and prevented its being conducted except on a small scale, the paper currency should have been in the last degree unsound. Since its repeal there had been, at the passing of the Act of 1844, no serious disaster on account of country bank-notes. It is true that but one instance of commercial difficulty (that of 1839) had occurred during that period, and that accordingly the extent to which the change in the law had increased the security of the note had been as yet but imperfectly tested by experience. But (sup-

posing that the Act of 1844 had not been passed) there is good reason to believe that there would have been no repetition of the ruin which has from time to time resulted from the over-issue of country banks, and that, so far as regards those establishments, the evil which the Act was intended to cure, had already, in great part, been removed. With respect, then, to the country banks, as well as to the Bank of England, it seems clear that the danger contemplated in the Act has been enormously exaggerated, and that the severity of its provisions is out of all proportion to that danger.

We have seen, then, that (1) while the Act has been fully effectual for the accomplishment of its only defensible object—the protection of convertibility, (2) the cost to the country of the double remedy—monopoly and restriction—which it prescribed has been immense; and we have seen (3), that the evil which the Act was designed to cure,—the danger at certain periods to the convertibility of the note,—is reduced, when closely considered, to dimensions which are quite insignificant as compared with that cost.

From these considerations it seems to follow that the Act of 1844 was a measure inexpedient in the highest degree, and that its repeal, so far from being injurious, would be of the utmost benefit to the commercial interests of the country. The gain to the community resulting from its abolition would be infinitely greater than the loss.

The same considerations lead to the conclusion that there are other important respects in which our our-

rency laws require revision. The monopoly of issue within sixty-five miles of London which is possessed, independently of the Bank Charter Act, by the Bank of England, cannot, if the views which have been expressed in this paper are correct, be defended on any reasonable ground. We have shown that privileges of this nature, granted to one or more banks to the prejudice of banks in general, are injurious as impeding that full development of its banking system which is of such vital consequence to the nation; while it is at least doubtful whether on the whole their tendency is not to increase rather than to diminish the dangers incidental to a paper circulation. The first step in the reform of our currency laws which is so urgently needed would be, with the repeal of the Bank Charter Act, the abolition of all exclusive privileges, exceptional disabilities, and differential enactments, whether in respect to the issue of notes, or the obligation of the public to accept them, or in any other respect whatever, compensation being given for any interference with vested rights which such a measure might involve. The trade of the country would thus be relieved from an incubus of confused and mischievous regulation, and banking business would be placed, like all other branches of commerce, upon the footing which is essentially necessary to its prosperity—that of free and healthy competition.

This done, there would remain the question whether any and what restrictions or conditions ought to be imposed upon banks for the purpose of insuring the convertibility of their issues. In considering the effect

of the Act of 1844 as the particular measure which was adopted for this purpose, we have assumed, for the sake of argument, that some such restrictions or conditions were desirable. It must be admitted, however, that the assumption is a strong one. The special and only plausible ground upon which so direct and singular an interference with the principle of commercial freedom is supposed to be necessary, and especially of the distinction which is in this respect drawn between bank-notes and other forms of credit, is that bank-notes, and they alone, perform all the functions of money, or, in other words, that they are in the fullest and ordinary sense of the term, "currency," and that a currency liable to disaster is an evil of greater extent and importance than a system of mercantile credit with the same liability. The conclusiveness of this argument is, however, far from unquestionable. In the first place, we have found that the evil in question—the liability of bank-notes to disaster—showed itself between the years 1826 and 1844, when the banking-system of the country was comparatively free, in much smaller proportions than is usually imagined; and there is reason to believe, looking especially to the example of Scotland, that it would have been still smaller in amount if the freedom had been more complete. But even if the danger to be provided against were more formidable in degree than it really is, it may well be doubted whether the case would be such as to admit of departure with impunity from one of the most comprehensive and infallible laws of political economy;—whether the

currency is any exception to the rule which holds for all other commodities—that more harm is done by legal impediments to speculation in them than by the liability of such speculation to failure,—that the best mode of insuring to the public a supply satisfactory both in quality and quantity is perfect liberty of action on the part of dealers, and perfect liberty of choice on the part of customers; and that legislative regulations in any way interfering with that liberty are not only injurious as restricting trade, but calculated to defeat the very object with which they are framed;—and whether the only legitimate mode of counteracting the consequences of the inability of bankers, as of other traders, to perform their contracts is not to be sought in an improved law of insolvency. Nor should it be forgotten, that in that which appears to be the only instance of perfectly free banking with a paper currency in the strictest sense convertible,—that of the Scotch banks before 1844,—no important failure attended with losses to note-holders was ever known to occur.

Looking, however, to the extreme importance to the public of a currency in which it may entirely confide; to the fact, that in none of the three great commercial countries—England, France, and the United States—has it been considered safe to permit the perfectly unfettered circulation of bank-notes;—taking also into consideration the habitual condition of the public mind upon this subject;—it is not probable that for the present any English statesman will have courage to propose the exemption of banks of issue from all

legislative provision of whatever kind for the security of their issues. It becomes necessary, therefore, to inquire what should be the nature of the conditions imposed. There are three expedients which have been suggested, and which appear practicable for the accomplishment of the object in view. These are (1) The limitation of the aggregate amount for which notes may be issued beyond the coin or bullion actually in hand; (2) The prohibition of notes below a certain value; and (3) To require the possession of Government or other trustworthy securities as a guarantee for the redemption of the notes. Of these expedients (of which the monetary legislation of this country presents a strange compound) the two first are far more objectionable in their nature than the third, inasmuch as they involve a much more direct and decided departure from principle. It is evident, that to limit the amount to which notes may be issued beyond that of the precious metals in hand is a more direct and positive interference with freedom of trade than to allow of unlimited issues with the sole proviso that they shall be based upon satisfactory securities. An equally direct interference with it is involved in the prohibition of notes below a certain value, the proper object of which is not to prevent the failure of banks from over-issue, but to mitigate the effects of their failure when it occurs, especially as affecting the labouring classes. And though it is true that, by this effect of it, the most serious of the evils attendant upon such catastrophes is obviated, this advantage is balanced by the fact that in preventing the appli-

cation of bank-notes to the payment of wages, it deprives them in great part of their efficacy as instruments of production, and diminishes to that extent the demand for labour and the remuneration which it is able to obtain.

It is, then, in the third of the available expedients —the prohibition to issue notes except upon the guarantee of securities actually the property of the issuers and such as to command unfailing confidence—that the least objectionable mode of providing by legislation for the convertibility of paper money is to be found. It is obvious, that if full provision is made to insure the constant possession by the issuers of an equivalent value in securities, there can be no depreciation of notes and no loss to note-holders. In England, by the provisions of the Bank Charter Act, and in France (where the arrangement chiefly relied on for maintaining the security of issues is the complete monopoly of issue given to the National Bank) by the law which requires the investment of 4,000,000*l.*, or about half the capital of the Bank in the public funds, the principle of such a restriction has already been admitted. After the disastrous failures of American Banks in 1839, a law was passed by the Legislature of New York (which has recently been imitated by the Federal Government, and applied throughout the Union), under which notes could be issued only on the deposit by the issuers of securities to the full amount of their issue. Accordingly, the failures which have occurred among the banks of New York since the adoption of this measure, and which during the

"crisis" of 1839 were very numerous, have involved no run for gold on the part of the note-holders, and the notes of the insolvent banks have in all cases been redeemed. There are, however, two objections to the mode in which the principle has been applied in the United States. One of these is, that one half of the amount of the securities deposited may consist of obligations other than those of the Government, such as the Bonds of Railways and other Companies, and that the liability of such securities to depreciation has caused some loss to holders of the notes of bankrupt issuers. The other is that the duty of providing the banks with notes in exchange for the guarantees deposited, and of redeeming them when necessary, is imposed upon the Government itself. Both the power and the responsibility thus given to the Government would probably, and with reason, be disapproved in this country. But the plan involves no necessity for the discharge of these functions by the State. It has been proposed (in a pamphlet* recently published by M. Constantin Baër, remarkable for its simple and lucid treatment of a subject which is enveloped in much factitious obscurity), that the delivery to the banks of notes in return for securities should be the business of a central committee composed of delegates from the banks themselves; nor would there in all probability be any serious objection to such an arrangement. Whether even this machinery would be necessary, and whether it might not be sufficient

* "La Question des Banques en France et en Italie. Lettres à M. Michel Chevalier." Par M. Constantin Baer. Turin, 1864.

to require such assurance as frequent publication of accounts would afford as to the actual possession by the banks of the prescribed amount of securities, may be doubted. But the precautionary arrangements which might in this respect be necessary—the proportion, if any, in which the securities deposited might be allowed to consist of obligations other than those of the Government, and to what classes of such obligations the permission should extend,—and whether, as M. Baer proposes, it might not be desirable that the banks should at all times hold coin and bullion (on which notes might also be issued) bearing a certain proportion to the securities which they deposit in guarantee,—are questions of no very formidable difficulty, but which would require careful discussion when the precise mode in which the proposal might best be carried into effect in this country came to be considered.

Monopoly of whatever kind being thus removed, and restriction reduced to one simple and uniform requirement, the least embarrassing of any by which the object in view could be attained, the way would be cleared for the gradual assumption by the banking system of this country of an importance proportionate to the extent of its commerce and industry. No longer debarred from the profit incidental to the issue of notes, banking establishments would receive that innocuous kind of legislative encouragement which consists in the removal of artificial restraints; and being in a condition to afford interest to depositors without transgressing the bounds of prudent management, would

rapidly absorb a vast amount of surplus property which is now uselessly squandered or hazardously employed, and which would be added to the fund available for reproductive investment, or, in other words, for the creation of wealth. Nor would it be unreasonable to expect, that while such was the effect of the change upon the interests of the country in the normal condition of its trade and circulation, it would also tend to avert, or to mitigate when they occurred, those periodical convulsions of the money-market which have been the cause of so much evil. For, in the first place, it might fairly be anticipated that the amount of the reckless investment which is a frequent cause of such calamities would be diminished, in so far as that money which at such periods is now directly invested by its owners would then be left at the disposal of establishments well versed in business, and in a position to judge of the character of mercantile projects. And, in the next place, at that particular stage of a commercial "crisis" when the funds necessary to counteract the unnatural depression of credit are in disastrous deficiency, deposits which are now withdrawn from banks under the influence of the general panic would be on the contrary attracted to or prevented from leaving them by the greatly increased rate of interest which is characteristic of the time, and which would add to the profits of banks, and, therefore, to those of their depositors. It might even be hoped that when the expediency of the new system of guarantee had been tested, some gradual and tentative modification of it might be found possible, such as

might prepare the way for the admission of banks in this country to that complete liberty of action on which all other commercial business depends for complete success, and from which, on evidence which is so far from being entirely satisfactory, they have been excluded. In any case, a great reform would have been effected, and a great anomaly removed. It would no longer be said that England, which is the stronghold of free and independent commerce, is also that of restrictive and paternal monetary laws; or that the most important wheel in the machinery of her material progress is clogged by an unsightly mass of complicated, excessive, and random legislation.

THE FINANCES OF FRANCE AND ENGLAND.

A RECENT article in the *Revue des deux Mondes* draws an interesting comparison between the financial condition of France and that of England.

The English balance-sheet for 1863-4 shows, the writer says, a surplus of 3,152,000*l.*; while in that of France for the same period there is a probable deficit of 1,720,000*l.* The expenditure of England, which in 1860-61 was 72,500,000*l.* was reduced to 70,808,000*l.* in 1861-2; to 69,302,000*l.* in 1862-3; and to 67,186,000*l.* in 1863-4; while the estimate for the current year is less by 166,000*l.* than the last-named amount. Moreover, during these five years taxes have been removed or reduced to the extent of 9,415,000*l.* On the other hand, the expenditure of France was, in 1860, 83,360,000*l.*; in 1861, 86,840,000*l.*; in 1862, 90,000,000*l.*; in 1863, 92,000,000*l.*; her probable expenditure for 1864 is 94,200,000*l.*; and for 1865, 94,880,000*l.*; while in each of these years there has been a deficit, and on the whole period additional taxation to the extent of 2,960,000*l.* Again, the expenditure of England in 1852-3 was 50,291,000*l.*; it is now 67,000,000*l.*; showing (when allowance has been made

for a sum of 4,692,000*l.* on account of "expenses of collection," which appeared in the budget for the first time in 1857) an increase of 12,000,000*l.* On the other hand, the expenditure of France was, in 1862, 57,680,000*l.*; and in 1863, 92,000,000*l.*; showing an increase of 34,000,000*l.* With respect to the debts of the two countries—that of England was, in 1815, 861,000,000*l.* on which the annual charge was 31,646,000*l.* By the year 1853 it had been reduced to the extent of 92,000,000*l.*; but it was again increased by the Crimean War to 805,000,000*l.*; since which it has been diminished by 16,800,000*l.*; being now, in round numbers, 790,000,000*l.* The ordinary funded debt of France was, in 1814, 52,000,000*l.*; it is now more than 440,000,000*l.* and the charge upon it 13,600,000*l.* The total nominal capital of the French debt, funded and unfunded, M. Bonnet states at 560,000,000*l.* and the annual charge upon it (in which he includes the sinking fund and the charge for "*dotations*") at 27,934,948*l.*; while the total charge upon the English debt for the year 1863 was (he says) 28,115,667*l.*

These figures are, in some respects, less favourable to England than the writer supposes. The fact that Mr. Gladstone's actual surplus for 1863-4 was only 2,352,000*l.* instead of 3,152,000*l.* as M. Bonnet states, may, perhaps, be hardly worth mentioning. But it is important to notice that the expenditure of either country, as given by M. Bonnet, does not include "departmental and communal" expenses; and there can be no doubt that the expenditure of England under

this head (including, as it does, a single item of some 8,000,000*l.* for Poor Rates, which are unknown in France) is so much larger than that of France as to place the real outlay of the two countries much more nearly upon a level than appears. In the next place, though it is true that since the year 1860-61 there has been an annual reduction of our expenditure, it is also true that our expenditure is at the present moment greater by 4,000,000*l.* than it was in 1858, a year in which the Budget had very imperfectly recovered from the inflammatory attack brought on by the Crimean war. With respect to the French debt, M. Bonnet himself states that a great part of the increase which has taken place since 1814 was incurred immediately after that year for the purpose of "repairing the disasters" consequent on the revolutionary war. It would have been fairer, therefore, to date the comparison from a later year. M. Bonnet contrives to run up the charge upon the French debt to within a short distance of our own; but there is this important difference in favour of France, that no inconsiderable part of the annual charge upon her debt consists of a sinking fund, by means of which the debt itself is in course of gradual extinction. There remains the unpleasant but inevitable reflection that our own debt is still, in actual solid bulk, greater, even on M. Bonnet's showing, by nearly one-third than that of France.

There is, however, a subject of more importance than our financial position considered in relation to that of France; and that is, our financial position considered in itself. In a free country, where the hands that hold

the pursestrings are subject to the incessant, vigilant, and inevitable control of Parliament and the public; in an eminently commercial country, where wealth advances with a steadiness and swiftness elsewhere unknown, and the productiveness of fiscal imposts increases with corresponding rapidity; in a singularly practical country, where the shrewd conduct by individuals of their own business is reflected in the administration of public affairs,—it would be strange if the balance-sheet did not compare advantageously with that of any other nation. Viewed not relatively but absolutely, the picture is by no means so gratifying. In the year 1842-3 our expenditure was 51,167,236*l.*; and it remained for the following ten years at nearly the same figure, the amount for 1852-3 having been 50,782,476*l.* Our expenditure for 1864-5 is estimated in round numbers at 67,000,000*l.*, showing an increase upon that for 1852-3 ostensibly of about sixteen millions, but actually (when the account is rectified for the purposes of comparison) of about fourteen and a half millions. This is surely a condition of affairs which is very far from being a subject for self-gratulation. That at a time when (exception being made of those petty hostilities in remote parts of the world, which are of comparatively small financial importance, and which moreover are little to the purpose, since they may be said to have long ago assumed a chronic character) we are neither at war, nor to all appearance in the remotest danger of being so, having adopted a non-intervening and strictly defensive policy, our expenditure should be greater by some 28 per cent. than it was

twelve years ago, is a fact to be viewed, if with patience, certainly not with complacency. It is no answer to urge, though the statement is undoubtedly true, that the wealth of the country has increased by at least as large a percentage as its expenditure, and therefore that though there is additional expenditure there is no corresponding addition to taxation. The taxation of the country is heavier by 28 per cent., not than it was in 1852-3, but than it would have been at the present time but for the increase in the national outlay. And that it should be thus heavier is anything but satisfactory. A nation which has made regular annual progress in commercial prosperity, and may fairly calculate upon its continuance in future years, has a right to anticipate, in the absence of disturbing causes, not that the burden of taxation will remain stationary, but that it will become progressively lighter. Every increase in the national wealth implies a proportionate increase in the productiveness of existing taxes, or, in other words, an increase of revenue. But as, by the supposition, nothing has occurred to occasion an increase in the cost of government, the increase of revenue is not required, and a reduction of taxes ensues. Stationary commerce with increasing expenditure means increased taxation; progressive commerce with stationary expenditure means diminished taxation. And if, while its wealth increases, the percentage of its contributions to the treasury remains the same, a nation is deprived of one of the legitimate advantages of commercial improvement, and has certainly no reason to look with unmixed complacency on the state of its affairs. Still less has it

reason to do so when no exceptional cause is at work sufficient to account for the abnormal scale of expenditure which is the source of the evil. If such a cause exists, the evil, however much it may be regretted, should be cheerfully endured; if not, it is one which calls not only for regret, but for remedy. The idea that a nation, like an individual, should increase its expenditure as its wealth increases, and that therefore any addition to the national expenditure affords no ground for dissatisfaction provided that there is a proportionate addition to the national wealth, is based upon a false analogy. The parallel case is rather that of an individual who, because his income had improved, should authorise his agent to manage his affairs in a more expensive manner, though nothing whatever had occurred to necessitate their more expensive management. Undoubtedly, as a nation advances in wealth and population, the cost of an administration of its affairs proportionate to their extent and importance tends also to advance; but, speaking generally, it is only after a period of time much longer than that to which the present comparison applies that any marked difference in this respect can have taken place. In the present instance it is obvious that no such explanation can be given of apparently plethoric Budgets.

If we now inquire as to the particular direction which the public extravagance has taken, we find (as was to be expected) that it is that of naval and military armaments. The expenditure on the army and navy (including ordnance) in 1841-2 was 14,882,190*l.*; in 1852-3, 15,768,417*l.*; and the estimate for them in

the current financial year is 25,276,000*l.* (exclusive of the cost of "fortifications"), showing an increase of nearly ten millions. Thus of the fourteen and a half millions which we have found to be the total increase of expenditure in the present year, as compared with the year 1852-3, no less than ten millions are consumed by the army and navy alone.

The simple truth is (and it seems to be gradually gaining recognition) that, owing to various causes by which the public has of late years been more or less consciously influenced, we have adopted a scale of expenditure only to be justified by the necessity of preparation for imminent war. If, for instance, we had consented, in conjunction with France and for the sake of Poland, to try another fall with the colossal power of Russia, and if, by some chance, the Russian answer to the "*ultimatum*" had been delayed or doubtful for a year, our present outlay would have been no unreasonable one during that year. As it is, we submit to the charge, without having incurred the necessity. We protest loudly against intervention, but not against its cost. We decline to indulge in the luxury, but not to pay for it. We refuse to fire a shot for suffering humanity, but not to incur the expense which was the chief reason for our refusal; and the only incident of a "meddling" policy which we bear with equanimity is that which we look upon as its principal disadvantage.

If an opponent of reduced estimates be asked what are the grounds of his opposition, there are only two upon which he will insist with any tenacity:—"recon-

struction of the navy," and "our powerful neighbour." With respect to the first, he will forget that he has to account for an extraordinary expenditure, on the army and navy alone, of some ten millions; that at a cost of one million annually four iron-vessels of the most powerful and expensive kind can be annually constructed; and that we have now been "reconstructing" for several successive years. With regard to the second, there are persons who begin to doubt whether —"our powerful neighbour" having neglected one or two signal opportunities, not likely ever to return, of inflicting upon us the mischief which he is supposed secretly to intend, and it being his interest as well as apparently his earnest desire to keep the peace with this country—this ground for "bloated armaments" is any longer tenable. But, even supposing that it actually exists, the firmest believer in designs of invasion masked under the garb of friendship must admit that there is no such immediate or pressing danger as to require an extraordinary outlay of anything like the present amount. And he should be reminded that, when at length the traitor is unmasked, the quarrel picked, the sword drawn, and the vital force of each combatant about to be tested to the uttermost, it will not be without notice and time for preparation given to this country; and that she will be all the better fitted to engage in that or any other such desperate struggle for having husbanded her resources, and lived with some regard to a reasonable economy. In this point of view, not only those who are anxious for a pacific policy, but those who are urgent with the

Government to be "prepared for war," should advocate a judicious but vigorous retrenchment.

There is yet another aspect of recent "financial statements" which is calculated to excite emotions other than those of unmingled gratification, and upon which we are to be condoled with not only absolutely, but in relation to most other civilized countries. We are not only spending a very large amount beyond that which we ought to be spending, but we are raising seven or eight millions annually by means of an income-tax. Now there is undoubtedly much to be said on either side of the abstract question as to the comparative advantages of direct and indirect taxation. But there are two practical objections to the income-tax as a permanent impost, the first of which is singularly cogent, the second still more so, and which taken together would appear to be conclusive. The first is the extreme discontent and impatience with which the tax is borne, owing chiefly to the inequality of its operation—an inequality of which the removal has been repeatedly pronounced by competent authorities to be impossible;—the second is, that to treat it as a permanent tax is to lose or greatly impair it as a reserve. That a sound system of finance implies the existence of some highly productive and readily accessible fiscal instrument to which a nation may resort in times of great and costly national emergency, and that in the fulfilment of these conditions the tax upon income is immeasurably superior to any other, will scarcely be disputed. Thus, by using the income-tax when there is no pressing necessity for it and when it

is oppressive, we diminish our power of using it when it is urgently required and cheerfully borne; by employing it in time of peace we are blunting the edge of our most efficient weapon in time of war. There can be no doubt that the maintenance of this impost is the dark stain upon the bright result of the policy which Sir Robert Peel "inaugurated," as it is termed, in 1842. Sir Robert Peel's object—the removal or reduction of certain taxes which hung like a millstone round the neck of industry—was of such extreme and exceptional importance as to justify a temporary use of the national reserve. All that he predicted, and more, was accomplished by its means; but one essential feature of his programme, the abolition of the income-tax after it had served its turn, remained unrealized. The disease was cured some fifteen years ago; but the patient is still swallowing annually the nauseous draught which effected the cure. There is no doubt force in the argument that where there is extravagant expenditure it is well that the "governing classes" should be those upon whom the pressure in the first instance falls. But to use this argument is not to deny that the income-tax is an evil of which it is desirable to get rid, but to maintain that it should be got rid of only upon a reduction of the excessive expenditure.

There appears to be some ground for hope that an attempt will shortly be made to remove or mitigate these serious defects of a fiscal condition in many respects extremely enviable; and, when that is done, but not till then, we shall be able to read with a less quali-

fied sympathy the panegyrics of French writers upon our own financial prosperity.

The foregoing observations (which were first published in January, 1865) are applicable to the financial situation of this country at the beginning of the fiscal year which is about to expire. The estimates of the Chancellor of the Exchequer for that year (1865-6) showed a considerable surplus, so that he was enabled to reduce taxation; that is, to raise the same or nearly the same revenue as in the preceding year at a diminished cost to the tax-payer. It now appears that his actual surplus for 1865-6 will be larger than his estimate of it; so that in his estimate for the Budget for the ensuing year (1866-7) he will be able to repeat the process of the past year, *i. e.* to raise the same or nearly the same revenue while at the same time he reduces taxation.

It is very desirable to bear in mind to what this process, which affords very general satisfaction and is apt to be thought a complete answer to all complainants, really amounts. It amounts simply to this; that on account of the increase of the national wealth, the national expenditure is provided for at a lower rate of taxation per head than before. This is no more than might fairly be expected in a country which expects an annually increasing return to its commercial enterprise and industry. It affords no answer whatever to those whose complaint is of enormous and undue expenditure. That complaint is,

not that taxation is heavier by nearly twenty-eight per cent. than it was some twelve years ago, but that it is heavier by nearly twenty-eight per cent. than it would have been but for the increase during those years in the cost of Government: that in a time of profound peace there should be placed upon each individual tax-payer an additional burden, which is represented by an aggregate increase of some fourteen millions, beyond that which he would have borne if the expenditure had remained what it was in 1852. This would be an evil, if every member of the community were prosperous and affluent; it is a greater evil, and should be protested against by every one who has a voice to protest, when a large portion of the population is under the dominion of poverty and its faithful satellites—ignorance and vice.

R CLAY SON, AND TAYLOR, PRINTERS, BREAD STREET HILL.

THE BUDGET AND THE NATIONAL DEBT.

THE Financial Statement for 1867-8 is distinguished from its predecessors of the past five years by that which appears to have been considered unworthy of remark in the assembly to which it was addressed—a very serious addition to the already enormous expenditure of the country. The expenditure of 1866-7 was £66,780,000; the estimated expenditure for the current financial year is (including the sum to be applied in extinction of debt) £68,884,000. From the year 1861-2 to the year 1865-6 the national outlay, vast as it has been, was in steady process of diminution. Last year it suddenly rose by a considerable amount, and this year it is increased again, by double that amount; the estimated expenditure for the current year being greater by upwards of two millions than the actual expenditure of the past, and by nearly three millions than that of the preceding year.

No more than fifteen years ago (in 1852-3) the expenditure of this country was £50,782,000, from which amount it had varied but little during the ten

preceding years. It is now £69,000,000, exclusive of the charge for Fortifications; but the real increase, when the account is rectified for the purposes of comparison, may be taken at about £14,000,000. It is, moreover, nearly as great as that of the year 1854-5, during most of which we were at war with Russia, and more than five millions in excess of that of 1858-9, when the Budget was still charged with heavy expenses on account of that war. The indifference of those who impose the taxes to this condition of affairs, is only equalled by its importance. The extent to which trade is crippled, enjoyment diminished, civilisation checked, and the means which enable those who live by their labour to fight the hard battle of life, abridged, by fiscal imposts amounting to fourteen millions annually, would need no comment, were it not ignored by those on whom the responsibility rests. And what is to be said in its justification? What are the altered conditions which require that a nation which in the fifteen years preceding 1853 was living at the rate of fifty millions a-year, should now be living at the rate of sixty-four? We have been for the last ten years not only at peace, but apparently so wedded to peace, that (if exception be made of one or two instances in which war was supposed likely to be a cheap luxury) nothing but direct and imminent danger to the rights or interests of the country could tear us from her arms. We stand aloof from continental quarrels with a persistence of which it is to be feared that the policy is more commendable than the motive. The deeper our sympathy with

struggling nationalities, the firmer is our resolution not to assist them; and we protest with equal vehemence against any act of rapacity on the part of foreign states, and against any attempt on our part to prevent it. The only one of the evils of war which we do not shrink from encountering, is that which is usually considered the greatest—its expense. We abstain from interference in European affairs chiefly on account of the cost of an opposite policy, which nevertheless we incur. We pay the price, without having the satisfaction, of continental influence. Being called to choose between two evils—the loss of authority in the world, and the high taxation which such authority involves—we solve the difficulty by accepting both. Foreign nations are in the habit of attributing our conduct partly to ambition and partly to avarice, the first of which, they say, causes the sword of England to leap from its scabbard, and the second restrains her hand as with a grasp of iron. They forget that the unsheathing of the weapon is little less costly than its use.

It is replied—for almost any explanation will pass current—that it has become necessary to reconstruct the navy, and some of the implements of war. This, however, is a plea which can hardly be looked upon as serious, considered as the justification of an additional outlay of fourteen millions annually, when it is remembered that reconstruction has now been proceeding for many years; that for a sum of one million, four or five iron-clad vessels of the largest and most expensive class can be constructed, and that even the

most governmental improvidence cannot raise the expense of re-arming the land forces above an amount which is trifling when compared with their total cost. But "continental affairs are unsettled, and Europe is an armed camp." There might be something in this argument, if either it was proposed that we should settle continental affairs, or the armed camp was suspected of any design upon, or even any thought about, ourselves. As it is, the argument is one for the opposite side; for the more earnestly foreign nations are intent upon mutual trucidation, the less leisure or inclination they will have to operate upon ourselves. The absurdity of submitting to sacrifices imposed on foreign states by quarrels and jealousies in which we have no kind of participation, and which would effectually prevent them from injuring us even if they were so disposed, is, one would have thought, self-evident. The truth, however, is that the nightmare of French invasion, originally due to a letter of the greatest military authority of the time, written in extreme old age, and bearing unmistakable signs of it,* is still, though we are rather ashamed to confess it, haunting our dreams. The ridiculous notion that France might suddenly pick a quarrel with us and carry England by a *coup-de-main*, has not yet quitted its hold upon the public mind, or ceased to find its

* In this letter it was actually stated that (except immediately under Dover Castle) there was not a spot on the coast, from the North Foreland to Portsmouth, on which infantry might not be thrown on shore at any time of tide, with any wind, and in any weather. It is hardly necessary to say that this could not be truly asserted of any shore in the world.

way into the pockets of our hard-working poor. For its sake we are content to throw away the advantages, political and geographical, which nature herself has bestowed upon us, and to place ourselves on a level with those to whom they have been denied. A stormy sea protects us, and we refuse to profit by its shelter. We boast of our freedom, and surrender one of the greatest benefits which freedom confers. Large standing armaments are proper to despotic institutions; to dispense with them is the privilege, as well as the safeguard, of free communities. Despots, who do not consult their people on questions of peace and war, who tax them without their consent, and deaden their patriotism by denying to them the privileges of citizenship, may be under the necessity of maintaining vast military establishments, both for the repression of liberty in their own country, and for defence against hostile aggression. The Government of a free people is under no such necessity. It may count, in emergency, on receiving from those by whose consent it rules, whose wishes it consults, whose public spirit, intelligence, and enterprise are brought into full play by political liberty, and whose progress in commercial wealth has been unchecked by excessive taxation, a patient, devoted, and self-sacrificing support which is worth far more than fleets and armies. In the case of any country whatever, it must be a question whether the national interests can best be protected by costly establishments in time of peace, or by the development, when danger threatens, of an inexpensive nucleus of force. But for a country which not only

claims to possess political freedom, but is surrounded by the sea, permanently to inflict upon itself the cost of enormous armaments, is surely the very quintessence of unwisdom.

Thus, then, we are brought naturally to that which, disguise it as we may, is the real root of the evil—the fact that those who impose the taxes, and those who suffer from them, in any serious sense of the word suffering, are distinct classes. The taxation decreed by one class seriously affects not that class, but another which has no choice but to submit. It is vain to adduce in answer, figures showing the proportion borne by the payments of individuals to their incomes. Between fiscal exactions which diminish the luxuries and those which curtail the bare necessaries of life, there is no place for such comparisons. A shilling in the pound on an income of twenty pounds, cannot properly be compared with the same percentage upon an income of a thousand. One is an inconvenience, the other a calamity. It is true that the readjustment of taxation which would probably follow the admission of the working classes to a due participation in political power, and which would throw a larger share of the public burdens upon those best able to bear them, would to some extent both mitigate the evil of extravagant expenditure, and diminish the inducements to abstain from it. But it would be impossible to raise a revenue sufficient for the wants of the country in such a manner as that the pressure would not be severely felt by the labouring class; and if that class were duly represented, we

should hear no more of "bloated armaments." A reform which would give real, and not only nominal representation to so-called electors, and would at the same time include in their number all those who could be included in it with safety, would put an end once for all to that "ignorant *patience* of taxation," of which Chancellors of the Exchequer, ashamed of their own estimates, are apt to speak.

It is to this remedy, and to this only, that we can now look for economy, not only in the amount taken from the public by the Treasury, but in the mode of its application. The nation is not only taxed for purposes which are unnecessary, but for purposes which might be effected at much less expense than that which it is required to pay. That such is the fact we may be sure, not only from the confessions of officials out of work, but from the nature of the case. Something more than responsibility to an assembly elected by those to whom taxation is no serious evil, is required to counterbalance the tendency of administrative authorities to squander the public money. Until real political liberty is obtained by the better portion of the industrial community, the time-honoured process of Augean accumulation in the two most expensive departments of the Government will never be disturbed.

It is this year of a Budget plethoric even beyond recent experience, and when there is a disposition in all other respects to increase rather than diminish the public burdens, which has been thought a fitting opportunity to make for the first time, that which in

some degree approaches to a serious attack upon the national debt, and which actually is a serious attack upon the national pocket; the taxpayer being deprived to the extent of £1,000,000 a year for the next twenty years, of the benefit to which he was fairly entitled, resulting from the annual increase in the wealth of the country. It becomes, therefore, all the more important to consider whether or not there is any real foundation for this new-born zeal for the reduction of debt. What then are the arguments in support of the principle of reduction? In the first place, it is advocated on the ground of justice, or moral obligation. Let us see how far it can really be said to bear that character. Speaking generally, a state has no right to contract obligations for which posterity is answerable —for the simple reason that it is unjust to a nation, as to an individual, to make in its name bargains, involving the fulfilment of onerous conditions, without its own consent. The claim to such a right could only be justified, if it could be alleged that a given generation has power in all or most cases to judge not only what is best for posterity, but what posterity would consider best for itself.

And that this cannot be alleged, it is needless to say. As a matter of fact, the loans contracted by Governments, on the plea (where any plea was thought necessary) that they would be beneficial to future generations, have proved to be singularly the reverse. The greater part, for instance, of our own debt was incurred for a purpose which is now looked upon with general disapproval, if not abhorrence, in this country.

The only instances in which a state can be justified in resorting to loans imposing any serious permanent charge upon its people, are of that rare and exceptional kind in which it would be admitted on all hands, beyond doubt or question, that the step is imperatively necessary for the interests of the country throughout its national life,—such, for instance, as when its independent existence is in danger. In other cases a nation ought, if it resorts to loans, to provide, either by borrowing in terminable annuities or by some form of sinking fund, for the extinction of the debt within no very distant time—such a time as that the nation shall no longer bear the burden when those who constitute the nation can in no sense be said to be responsible for its imposition. But the case is altogether different when the proposal is, that provision should be made by the present generation for the reduction of a debt contracted not by itself but by a generation long past. On whatever other ground this may be advocated, justice cannot be appealed to in its support. For the burden of the debt, not the nation as it is, but the nation as it was in times long past, is accountable; and the only moral obligation resting upon this or any succeeding generation is that, which is also a legal obligation, of keeping faith with the public creditor by paying the interest of the debt. It has been urged, indeed, by high authority, that the benefits which we have received from former generations impose upon us the duty of handing down equivalent benefits to our successors,—in other words, that so far from owing, as it has been said we owe, nothing to

posterity, we owe to it, as a mere matter of justice, all the good which we have received from former times. The answer is obvious, that if the question is to be treated as one of mere justice, and if in strict justice we owe to our descendants that which our ancestors have bequeathed to us, it follows that we owe to them the very burden from which we are now asked, at a heavy cost to ourselves, to contribute to their relief. It is obvious that the course proposed is not one of justice, but of generosity,—not of moral obligation, but of mere benevolence. Nor is there, at first sight, anything unreasonable in appealing to the generosity and benevolence of a given generation of men, to alleviate at their own expense the burden of those who come after them. But generosity may be carried too far. The greater part of the revenue of this country proceeds from taxes upon the necessaries of mere existence, and which are paid by those to whom it is real suffering to pay them. And so long as there remain any taxes of this nature, for the removal or reduction of which the money which it is proposed to employ in the extinction of debt would be available,—in other words, so long as there are any such taxes which might be remitted, if the purposes for which they are raised might be provided for by means of the money to be applied in the reduction of debt,—so long it cannot be considered that this particular kind of generosity is either laudable or justifiable.

This view of the question assumes still greater importance when it is remembered that the majority

of the working classes are, and will probably long continue to be, without any voice in the matter. And not only have they no voice in the matter, but it is certain that if they had, the proposal is one to which they could not be expected to assent. That they should be called upon to support, for the benefit of posterity, more than their own share of a burden inflicted upon them by a former age for the purpose of carrying on a war, of which, whatever else may be said of it, the avowed object was to force upon a high-spirited people struggling for freedom, a detested and detestable tyranny, is more than anyone would be bold enough to suggest to them if, with a due regard to the general interest, it were possible that they should have a share, in any degree proportionate to their numbers, of political power.

It seems impossible, then, to avoid the conclusion that, in the present condition of this country, any attack upon the national debt involving pressure of any importance upon the taxpayer is inexpedient; while, to the particular measure now proposed, there is the additional objection that it gives the minimum of relief to the future, at the maximum of cost to the present. Nor is it probable that the proposal would ever have become popular, but for the celebrated "coal argument," which seems now to be generally rejected, and of which it would be sufficient to say, that it assumed a rate of progress in the commercial wealth of the country which, if there were any possibility of its being realised, would reduce the national debt, before the time fixed by a postulate of the argument

for the termination of our superiority in respect of coal, to a trifling inconvenience. There is, however, less reason to regret, in the interest of posterity, this conclusion than at first sight appears; for the national debt is an evil which contains within itself the germ of its own decay. The twenty-six millions annually which it now costs, bear a steadily decreasing proportion to the resources of the country. The burden itself does not vary; but the power to sustain it increases. It is literal immortality, but virtual dissolution. The figures on the balance-sheet remain the same; but the pressure upon the taxpayer must diminish with increasing wealth. And this, it is to be observed, independently of any gradual decrease in the value of the precious metals,—of all consideration that the twenty-six millions in gold due to the national creditor, is in all probability an obligation which time, science, and enterprise are in league to wear away.

BRIBERY AT ELECTIONS.

FIFTY-EIGHT members of an assembly professedly representative, in a country whose population is about thirty millions, and which is perpetually congratulating itself on the possession of self-government, are returned by eleven thousand electors, being the aggregate constituencies of thirty boroughs,—that is to say, by less than one six-hundredth part of the whole adult male population, and less than a hundredth part of the whole electoral body;—a statement which may afford some idea of the extent to which not only the people in general, but the electors, are in the enjoyment of real representation and of that political liberty which representation is intended to confer.

These eleven thousand electors, finding their suffrages far more valuable than those of voters in general, but having no greater interest in politics, nor any superiority, intellectual, moral, or material, and being usually without any means of judging as to the particular merits of candidates unchosen by themselves, are, it appears, for the most part in the habit of selling their votes to the highest bidder, or at least of requiring a sum of money as the condition

on which they vote. The state of the case, then, is this. An amount of political power sufficient to influence in a very important degree the present and future welfare of the whole community is placed in the hands of an extremely small number of persons, not one of whom is supposed to have any special claim to its possession; and the members who are thus sent to Parliament with the fate of the nation in their hands are sent there (speaking generally) for the simple reason that they have money to spend, and are willing to spend it. A more disastrous distortion of the whole theory of representation it is difficult to conceive. Representative institutions, as distinct from other political systems, have two objects in view,—a Legislative Assembly composed of men whose character and capacity afford security for good government, and (irrespectively of good government) the mental and moral welfare of the electors. The result of existing arrangements, so far as these borough voters are concerned, is a degraded electoral community, and a plutocratic Legislature.

The facts thus stated in the way of illustration sufficiently explain the nature of an evil which affects a much larger portion of the House of Commons, which appears to be rapidly gaining ground, and which is the object of much clamorous censure. What, then, are the remedies which have been proposed for it? That which seems to find most favour is the direct and easy one of penal inflictions;—some persons appearing to suppose that the proper mode of preventing bribery is to send both the seller and

buyer of a vote to prison, with more or less of hard labour as the case may be found to require. It is forgotten that punishments are not effectual in proportion to their severity, and that there are many offences of the gravest character which it is inexpedient to visit with any legal punishment at all. Can anyone who has read the proceedings of the recent Bribery Commissions suppose either, on the one hand, that a slight punishment would be sufficient to put an end to the practice, or, on the other, that a severe punishment would be tolerated by public opinion and otherwise than a dead letter? The success of legal penalties depends on their severity only in so far as that severity meets with general approval. Excessive punishments are either insupportably tyrannical or wholly inoperative; and a punishment is excessive which any large portion of the public habitually considers disproportionate to the crime. In this case, it is perfectly evident that electoral corruption is looked upon as an offence for which the most appropriate treatment is rather a kind of pleasant banter than any very serious condemnation; and, on the other hand, that it is an offence of which the habit is inveterate and ingrained in the electoral mind. In other words, it is an offence for which a heavy punishment and a light one would be equally ineffectual. Even were it otherwise, the extreme difficulty of convicting offenders would be an obstacle, apparently insuperable, to success. This is even now all but impossible as regards the peccant candidate, upon whom social discredit, supplying the place of a legal

penalty, acts as a stimulus to the easy task of evasion; and it would be equally so as regards the elector if a legal penalty were in question. In order to ensure the punishment of bribery, it is necessary that legal proof should be readily attainable not only that money was given, but that it was promised, and not only that it was given or promised, but that it was so on a certain stipulated condition; and to obtain such proof, if both the parties to the arrangement are thoroughly determined to prevent it, is barely within the bounds of possibility. And to make them thoroughly determined to prevent it, all that is required is that the transaction should be punishable by law. It would be little less difficult to enforce penalties for secret bribing than to enforce them for private gaming, which is generally admitted to be impracticable;—the State being obliged to content itself with preventing, so far as is possible, anything like public encouragement of the practice. On this ground, then, if on no other, the penal remedy would in all probability fail.

But even supposing that penal inflictions could prevent bribery, it would not follow that they were expedient. As already observed, there are many serious offences against society which cannot properly be made the subject of penal legislation, however competent to repress them. In the present case, assuming that severe punishment for bribery would be effectual, there is reasonable ground for question whether it would be just. Is the moral delinquency of the bribed elector of a kind and degree for which, supposing punishment to be in other respects expe-

dient, the State could properly inflict it? Having placed him in a position of peculiar temptation by giving an inordinate and unnatural value to his vote, ought the State to single him out for signal vengeance? In what essential respect, he may further plead, is he morally worse than the minister who distributes his patronage not with a view to the interests of the public service, but so as to reward his friends or gain over his opponents? or (which is still more to the purpose) than the tradesman who votes because a customer will otherwise leave him, or the farmer who votes because he fears to lose or expects to obtain a farm—neither of whom (whatever opinion may be formed of their conduct) anyone proposes to punish? Moreover, it seems certain that the *motives* of men, as distinct from their actions, are not, in any but very extreme and exceptional cases, a proper object of penal laws. It is not for what they do, but for the reason why they do it, that it is proposed to punish the purchased voter and the purchasing candidate. It is because the motive which determines the vote of the bribed elector is not the public interest that he is deserving of censure; and if that motive is any other than pecuniary advantage, such for example as personal feeling, irrespective of political opinions, for or against a candidate, no one thinks of punishing it. What has to be shown, therefore, is that there are special circumstances which exempt pecuniary gain from the rule which forbids the infliction of legal penalties for motives of action; and to show this would be a matter of no small

difficulty—of difficulty which must be added to the other reasons against the penal treatment of this offence. Nor should it be forgotten, as one of the most important of those reasons, that to make men moral by Act of Parliament is to deny to them the inestimable opportunity of becoming so themselves.

There is one kind of punishment, of a negative character, which is or is supposed to be in operation as against bribery, and which seems to require special notice, if only because it is advocated by many persons who are opposed to the infliction of more positive penalties in the case; and that is disfranchisement. It might be sufficient to observe that this punishment has hitherto been found entirely ineffectual to prevent electoral venality, and that there is no reason to suppose that the causes of its impotence —one of which is the extreme reluctance to enforce it—are in course of removal. But, if effectual, would it be expedient? This, certainly, is to be said in its favour, that the disfranchisement of a constituency is a redress *pro tanto* of the balance of political power, since it implies the transfer of the vacant seat or seats to a more numerous electoral body. But some of the reasons which we have found to exist as against more positive penalties are valid also as against this punishment. It is unjust, after giving men votes and at the same time providing them with inducements far beyond those of ordinary electors to use the gift for their own private advantage, to deprive them of those votes because they have yielded to the temptation. Electors who, by the supposition, are in other respects

qualified for political power ought not to be deprived of it because they have done that which it is to be presumed electors in general would do if the State had placed them in the same anomalous position in which it has placed the offenders. The remedy is to rectify the anomaly, not to withdraw the privilege. Moreover, any large disfranchisement, where the franchise is necessarily restricted, is, on the score of public freedom, a serious evil, and should not be resorted to except in extreme need. These remarks apply to the disfranchisement whether of constituencies or of individual voters. But to the former there is the great additional objection that every constituency contains electors who are proof against corruption, and that to confound them in the same punishment with the guilty is flagrant injustice; and the evil is aggravated by the consideration that the very men who are thus deprived of the franchise are those who, by resistance to extraordinary temptation, have proved themselves peculiarly fitted for its exercise.

The other expedient which is most frequently suggested for the suppression of the trade in votes, far from being direct, is so much the reverse that at first sight it seems to have no bearing at all upon the subject, and is yet as confidently recommended as if it were the most direct and obvious remedy imaginable. The real cure for bribery, we are told, is the ballot. In other words, if no one can find out how a man votes, he is sure to vote disinterestedly. The very contrary, one might suppose, would be the effect. If there is one thing more than another that keeps

men moral, it is public opinion. If there is one thing more than another which prevents a man from preferring self-interest to public duty, it is the feeling that he will be generally known to have done so. And that such would, in fact, be the effect of the ballot, in other words, that the ballot would to a great extent defeat its own object, is clear. Voters who are now independent, and who are so partly because by being so they obtain the approval of others, and consequently their own, or simply because by being so they "stand well with the world," would lose this important and in many cases paramount inducement to independence. If anyone will fairly consider the extent to which his own conduct and that of the community in general is influenced by the opinion of others he will be able to estimate the extent to which the standard of electoral morality would, *cæteris paribus*, be lowered if the support of publicity were withdrawn. But here the ballotist interposes. "*Cæteris paribus*," he says, "you are right; but *cætera* in this case are not *paria*. Granted that, so far as will was concerned, the voter would be more likely to succumb to self-interest under a secret than under an open suffrage; the difference is, that it would not be in his power to do so. With every wish he would be unable to be dishonest. There being no bribers there would be no bribed." "But why would there be no bribers?" you ask, in some surprise. "Because no one would be sure that the voter having been paid to promise his vote would perform the promise. He would take the money and

vote on whichever side he pleased." In other words, he is a liar and a scoundrel as complete as can well be conceived. It is somewhat strange that those who form this estimate of British electors should be those who are most anxious to increase their number. One thing is certain, that they are under an entire misapprehension as to the facts of the case. The British borough elector has, as we have seen, a low enough conception of political ethics, but he is not such a rascal as his friends would have us believe. From a general knowledge of his character it may be inferred—and from the facts of the case as brought out in evidence before the recent Commissions it is certain —that, while here and there a voter may be found who is knave enough for anything, as a rule an elector who is not ashamed to sell his vote will never dream of violating his share in the compact. Ballot might become law; but the sleek, hilarious, and pseudonymous gentleman would arrive precisely as before; would take a room at the "Red Lion" or the "Crown," and would proceed to dispense his favours with the most serene confidence that, in general, they would be returned. The number of his customers who were treacherous as well as corrupt would, as we have seen, be increased by a law securing to them concealment and impunity; but no one who knows anything of the general character of the borough voter, or has read the proceedings of the Commissions, can suppose for a moment that conduct of this kind would be general, or that there would be any such apprehension of it on the part of candidates as would

make borough electioneering cheap. On the whole, secret voting (whatever might be its effect upon that less palpable kind of electoral immorality which is euphemistically termed "undue influence") would increase treachery without diminishing bribery.

Further, the ballot, even supposing that it could be effectual for the suppression of bribery, would remove only a part of the evil of which bribery is the cause. That evil so far as regards the elector is of two kinds, positive and negative. The positive evil is the demoralisation of the voter; the negative evil is the loss which he incurs of the benefit in the way of mental improvement to be derived from an independent participation in political affairs. But this benefit he would also in a great measure lose if the part which he took in political affairs were secret. In order that he may receive it in any but a very imperfect degree, it is necessary that his political life should not be isolated and in the dark, but passed in open association with those who have the same privilege as himself;—that his opinions should be formed and advocated in full and free discussion with his fellow electors, and that he should neither be ashamed nor afraid to confirm them by his vote. Thus, even assuming that the ballot were successful as against bribery itself, though the positive injury which it inflicts upon the elector would be removed the negative injury would in great part remain. In other words, the ballot, supposing that it could by any possibility avail to prevent electoral venality, would restore to the voter his independence, shorn of

half its value. Political liberty, which by the sale of his vote he virtually surrenders, would be secured to him in spite of himself: but it would be secured to him by an expedient depriving him of one of the chief advantages which make political liberty an object to be desired.

There is another supposed specific for bribery, which (however desirable it may be on other grounds) is so far from being one that its claim to the character seems scarcely to require notice;—the extension of the franchise. It is of course true that to extend the franchise is to enlarge constituencies, and that the smallness of constituencies is one cause of bribery; but, on the one hand, the addition which would thus be made to the number of electors in those boroughs where bribery now prevails would (speaking generally) be wholly insufficient to counteract it; and, on the other, the class of voters admitted to the suffrage, being of a lower social grade than those who now possess it, would, it must be supposed, be still more amenable to the action of corrupt motives. Household or even universal suffrage would not, in the smaller boroughs, so far widen the electoral area as to place it beyond the cast of the golden net, while at the same time they would bring within its meshes an easier prey. It is certain that, other circumstances remaining as at present, mere enfranchisement would on the whole increase instead of mitigating the evil.

It seems evident, then, that the remedies which have been resorted to or recommended for this, the most coarse and offensive species of electoral corrup-

tion, are all either ineffectual or inexpedient. Nor is it difficult to see, from what has been already said, that the whole question has been habitually considered from a wrong point of view. Bribery has been treated as an abuse in the present state of human nature necessarily incidental to representative institutions, and which must be provided against by special legislation. The fact on the contrary is that bribery in this country is the consequence of a thoroughly vicious electoral system—of a system the supposed object of which being to confer self-government upon certain persons whom the State has thought it right to select from the rest of their countrymen for that privilege, signally fails to accomplish that object. To those who consider that system as perfect, or nearly so, this remark is of course inapplicable. Such persons are consistent enough in resorting to one nostrum after another for a cure; and their error consists simply in supposing that each in turn will either be effectual or less mischievous than the disease. But, by those who believe that the representative institutions of this country, considered as an instrument of political liberty, are full of the most signal defects, it ought to be seen that bribery is simply one of the evils consequent on those defects, and that the remedy for it is to be sought in their removal. If they had perceived this, they would long ago have ceased to waste time in the discussion of futile expedients, directed not against the origin of the disorder but against its symptoms, and would have derived from the increased flagrancy of the evil

fresh encouragement to eradicate it by removing its cause.

The particular defects in the electoral machinery of this country which lie at the root of bribery are two. The first is that which has already been noticed—the unequal distribution of political power. It is time that bribery should take its proper place as one of the evils incidental to a system which places the government of a great country to a very considerable extent in the hands of a small number of persons, with no claim whatever to the privilege, in a few unimportant localities. There are many reasons why two hundred electors in one part of the country should not return two members, when twenty thousand electors in another part of it return only the same number; but one of those reasons is that the two hundred electors will be offered money for their votes, and are very likely to sell them. Being few in number, the voters are able to demand a price which the candidate can afford to pay, and which in their condition of life is enormous; and on the other hand, while the State has given them a privilege which it has denied to most of their countrymen and given to others only in a far inferior degree, it has taken no security for proportionate mental superiority or material independence. Having assigned by its arrangements a fictitious and unnatural value to the vote and no corresponding immunity from temptation to the voter, there is only one greater error which it could possibly commit—that of being surprised at the result. Even those who are most urgent for a "redistribution

of seats" do not appear to be aware of the full extent to which their case is strengthened by this consideration. Session after session they join in the endless, profitless, and at best only half in earnest cry for the punishment of bribery, and so lend their authority to the delusion that bribery is to be put down by penal laws, instead of making use of the natural and powerful leverage which it supplies towards the attainment of that which is or ought to be their object—the gift of real representation to the people of this country.

It is, then, in as near an approach as possible to that equitable apportionment of members to electors, the perfection of which, so far as those electors are concerned, is the perfection of political freedom, and the utter absence of which is the utter absence of that freedom,—to that ideal of representation of which all true reformers are really, though often unconsciously, in search, and which, in spite of the too successful sophistries and plausibilities with which the question is surrounded, in spite of specious phrases about the "representation of classes," and "anomalies and irregularities," wholesome rather than otherwise, they will never rest till they obtain—that the more direct and immediate remedy for venal voting is to be found. Every step towards this consummation is a nail in the coffin of bribery. But, though the most direct, this is not the only weapon with which bribery must be encountered. Under the most perfect "distribution of seats" the size of the constituencies (unless we are to suppose an approach to universal suffrage such

as would be neither tolerated nor tolerable in this country, or else a great diminution in the number of representatives) would not be large enough to put bribery, to say nothing of "undue influence," which is a monster less dependent for success on the small number of its victims, out of the question. As has been said, there is another defect in our representative system which must be remedied before bribery can be slain, or which, even if bribery could be destroyed without its aid, would be necessary to cure the disorder of which bribery is only a symptom. The representative principle, properly applied, though it might be powerless against the pressure of "undue influence" in cases where resistance would be ruinous, claims to exclude the mere barter of votes for money, by supplying, except in minds sordid beyond the average, a better motive than money for electoral action. One of the two great reasons why electors are bribed is that they care very little who is returned to Parliament for the constituency to which they belong, or what are his political views. Is this to be wondered at when it is considered that, on the one hand, they can scarcely be said to have any field of choice at all; and, on the other, that whether they vote on one side or the other, or do not vote at all, they have commonly about an equal chance of not being represented, or rather of being misrepresented, in Parliament? Is it to be wondered at that, when one or two persons are presented to his choice of whom he knows nothing either good or bad, or only the latter, the voter is indifferent as to which of them may be his represen-

tative? Is it surprising that a Liberal elector with a very good prospect of being represented by the Tory candidate, or a Tory elector by the Liberal candidate, takes no particular interest either in the process by which his views are ascertained, or the mode in which the government of the country is carried on? The wonder would rather be if any spark of such an interest were discoverable in him. It is commonly answered that the opinions of electors who are out-voted in their own constituencies are represented in others. But, in the first place, this statement is true only where the opinions which they hold and care about are those held by one of two great parties which happen at the time to be contending for power, and by one or other of which all active political opinion is exclusively absorbed;—it is a mere accident of the case, and by no means, even now, universally applicable. And, in the next place, it is one thing to be represented by a person whom the elector has himself chosen, and another to be represented by a person who has been chosen for him. The difference is quite enough to decide the question whether the voter shall take a great interest, or none at all, in political affairs. The truth is, that the system of representation by local majorities, which is common to most existing representative institutions, is wholly inconsistent with the true ideal of representation. That ideal implies that every man qualified for the electoral privilege should feel that he has a part, equal to that of any other elector, in the composition of the ruling assembly; under existing representative systems

nearly half the electors may be in theory, and a very large number of them are in practice, totally without any part in it whatever. The ideal of representation, moreover, implies that the voter shall have free range for his electoral faculty among the best, ablest, and most distinguished men who are willing to offer themselves for his choice; existing institutions limit him, in most instances, to a few whom the local attorney, or the Treasury "whip," or the place-hunters of the Carlton or Reform have provided. The difference in the two cases is enormous. It is no less than the difference between political life and political death; —the life in which independence, patriotism, and mental enlightenment are born, grow, and expand; the death of which ignorance, selfishness, and servility are the result, and electoral corruption the most salient proof. Nor is a representative system conforming in these respects to the ideal by any means an impossibility. Such a system has been framed and proposed in this country by Mr. Hare, and has been adopted with success by a foreign nation. It has been received in this country with the sneers, customary in such cases, of the ignorant and unreflecting; among the more thoughtful and enlightened *laudatur et alget;* the reasons given for such a reception in both cases being its novelty and alleged complication; the first of which is anything but complimentary to the national character, since it implies that nothing which is novel, however excellent, has any chance of general acceptance; and the second proceeds upon the supposition that the complication of the scheme (which

means a certain minuteness of detail necessary for the application of a perfectly simple and intelligible principle) is a greater evil than the injustice, inconsistency, and demoralisation which characterise the present system. But, inasmuch as the proposal is based upon reason and justice, there can be little doubt that it will ultimately prevail; indeed it is to the complete adoption of this scheme that the views and arguments of those by whom each successive victory in the cause of progress has been gained are (though they are often themselves unaware of it) really directed. Except in "personal representation" there is no real political liberty; and of this one reason is that there is no other way of giving to the voter that intelligent interest in the general welfare, and therefore in the choice of his representative as connected with that welfare, which can compete with his indolence and self-love. Under Mr. Hare's scheme the elector has, in a general published list of candidates, for any one of whom he may vote in the order of his preference as shown by his voting paper, some possibility of choosing a representative in whose ability, wisdom, and patriotism he has confidence, or whose political opinions he approves; and, on the other hand, instead of a very fair chance of being wholly unrepresented or misrepresented, he has the certainty of a share, and a share equal to that of any other elector, in the choice of the governing body. There can be no doubt that under this system not only the number of persons proposing to enter Parliament, but their qualifications for the trust, would be greatly increased. The entire

roll of candidates, thus enlarged and enriched, would be open to the elector, instead of the miserable sample with which he is now in very many cases obliged to be content; and he would at the same time vote with the knowledge that his own political opinions, or those of some person in whom he could trust, would be expressed in the general assembly. Under such a system there might still be bribery; but it would unquestionably be far less systematic, general, and shameless than at present; and for the extent to which it existed the responsibility would rest, not, as now, upon the State, which, by a blundering misconception of the representative principle, has gone far to create it, but simply upon those infirmities of human nature which governments may foster, but cannot remove.

It may be hoped, then, that bribery will in future take its proper place in public estimation as the result of defective political institutions acting upon a condition of public morality too imperfect to resist their operation; that we may shortly see the end of the fruitless and mischievous tendency to resort to styptics for the political Pactolus, which can only be arrested by drying up its source; and that the cure will be sought and found in the readjustment of our political system so as to confer real self-government upon electors, including, as such a process would, the twofold change which has been indicated,—a redress of the balance of political power, and security to the voter that he may, if he pleases, be represented in Parliament by some person whom he has chosen

because that person was, in his opinion, the fittest who could be found for the business of legislation. Of this at least there can be no doubt, that bribery is growing, to the prejudice of public liberty, the deterioration of the national character, and the discredit of free institutions; and that if men will continue their attempts to mitigate the symptoms of the disorder instead of striking at its root, it will advance at steadily increasing speed, with what fatal consequence, probably if not certain, to the cause of freedom and the destinies of a great nation, it is painful to foresee.

THE "MISSION" OF RICHARD COBDEN.

It is long since there left the world any one who deserved so well of it as Richard Cobden. To say this is indeed, in one sense, to say but little. For the acts of those who have had it in their power to influence the destinies of mankind, mankind has in general small reason to be grateful. In account with humanity, the public characters have been few indeed who could point with satisfaction to the credit side. But of Cobden's career there are results which none can gainsay. Vast, signal, and comprehensive, they disarm alike both competition and criticism. The two great triumphs of his life were the repeal of the Corn Laws and the Commercial Treaty with France. Of these, the first gave food to starving millions, redressed a gigantic and intolerable abuse of political power, saved an empire from revolutionary convulsion, and imparted new and irresistible impulse to material progress throughout the world; the second carried still further the work which the first had begun, ensured, sooner or later, its full consummation, and fixed, amidst the waves of conflicting passions and jarring interests, deep in the tenacious ground of commercial sympathy, a rock for the foot of Peace.

But, though Cobden's public life is admired by most Englishmen, its real scope and nature are understood by very few. The prophet was not without honour, but he was almost entirely without comprehension, in his own country. Being asked on one occasion to take part in some project of interest or pleasure he declined, on the ground that he had a "mission." What, then, was the "mission" of which he spoke? What was his distinctive character as a public man? The prevalent notion entertained respecting him among well-educated Englishmen is that he was the apostle of Free Trade, with a strong and rather dangerous tendency towards democracy and cheap government, and a disposition to peace at any price on account of the costliness of war. It was reserved for foreigners to appreciate the greatest Englishman of his time, and for a foreigner to describe him justly. He repealed the Corn Laws; he fought and triumphed for Free Trade; he advocated peace; he deprecated national extravagance; and broke a lance, when occasion occurred, for political liberty. But these acts of his were but means to an end; illustrative of and subservient to the great object and idea in the service of which his energies were employed and his life sacrificed;—for the true political definition of Cobden is that which the foreigner supplied—*an international man.*

It is strange, but it is true, that there had been no international men of any note before his time. For what is internationalism? Suppose a community which, from whatever cause, was without laws or

government of any kind. In such a community every man would be the guardian of his own rights and interests, and compelled to bear arms, offensive and defensive, to maintain them. Bloodshed and every kind of misery, the hideous brood of anarchy, would abound. The state of affairs, even among savages, would be intolerable ; and it would not be long before some one would propose the natural and obvious remedy—political institutions. Suppose further (the case is conceivable) that the proposal was met with contempt on account of its alleged impracticability. Suppose that it appeared, or was asserted, that there was such an utter dissimilarity of views and feelings, such an intense individuality, in the different members of the community, that the attempt to unite them under any form of government or any regular system of law was hopeless. Suppose, nevertheless, the author of the proposal to persevere. Suppose him to contend that the alleged objection to it had no foundation in reality, but was the offspring, rightly considered, of mere prejudice and error ;—that if men were, as they affirmed, thus self-centred, dissimilar, and antagonistic, they ought not to be so ; and that, if the evil was real, the remedy rested with themselves. Suppose him to represent that if they were sensible men they would mitigate for the common good the intensity of their individualism ; that if they were Christians political intercourse with each other should be a pleasure and not a pain. Imagine him to urge that for the sake of a mere sentiment, puerile, barbarous, and eminently pagan, they were deliberately

impoverishing themselves, and leading a life proper to wild beasts rather than to men; that for the sake of a prejudice against each other the result of deep-rooted habit, they were content to live in a condition of constant anxiety and suffering, diversified with occasional outbreaks of violence and bloodshed; and that while they bitterly complained of the cost physical and mental of such a state of existence, they were ready to endure it rather than abandon the precious possession of individuality, self-concentration, and self-dependence, handed down to them by their ancestors, with all its train of selfishness, jealousy, reciprocal animosity, and mutual misunderstanding, and which by some strange hallucination they were accustomed to look upon as a good rather than an evil. Suppose all this, and you have supposed a case which actually exists. For the community of nations is a community precisely such as has been described; internationalism, in its ultimate scope and full development, is the doctrine supposed to be taught and rejected; and the teacher of that doctrine is the international man. Is it not strange, then, that Cobden should have been the first to teach it? still more strange that he should have been treated by the influential classes in his own country as a man who—well-meaning, no doubt, and eminently successful in his line—was yet hovering on the verge of lunacy?

Time out of mind the individuals of which the community of nations is composed have been willing to live as no other community could live—without a

polity and without laws.* Of the terrible evils which result, one, though possibly not the greatest, is war. This evil is so vast and conspicuous that it shocks and sickens humane men; and nothing is more common than to hear discussions on the question whether or not war is lawful. But if war is unlawful, then, in the case just supposed of a community consisting of individual persons, it is unlawful for each of them to protect his own rights in the absence of any government to protect them; a doctrine which no one possessed of common sense will be found to maintain. The natural and necessary result of international anarchy is war, just as the natural and necessary result of national anarchy is personal violence. But war is not, because international anarchy is not,† an inevitable condition of human affairs. War is, because international anarchy is, excusable enough as between barbarous communities. But among civilised and enlightened nations war is, because anarchy is, a scandal aud a shame. It is this evil—this anarchy of nations—which has wrought more misery and prevented more happiness than perhaps any other of the self-inflicted torments of humanity. It is an evil which is as grave in its negative as in its positive aspect; which has cursed the world, not only by

* It need hardly be said that "International Law," which there are no established tribunals to administer and no means which can be relied on to enforce, is not law in the ordinary sense of the word.

† To civil war, which is happily rare, and implies no maintenance of standing armies, this and the following statements are, of course, inapplicable.

drenching it with blood and letting loose upon it the foulest and fiercest passions, but by placing between the human mind and the intellectual and moral improvement resulting from the political and social intercourse of human beings an impassable barrier. But instead of being treated as a calamity of this hideous complexion, it is habitually looked upon with complacency and self-gratulation. In the opinion of the generality of men, this absence of political intercourse between nations is a happy disposition of Providence, which it would be impious in human creatures to disturb. The class of persons in this country who sing "Rule Britannia" experience in doing so a thrill of conscious virtue, and a comfortable sense of duty done which confirms them in the practice. The Frenchman with his *gloire* and his *grande nation* feels elevated in the moral scale when he sings their praise. That which the world has wept in tears of blood, and but for which it would have worn an aspect, compared with that which it now wears, of perfect felicity, is treated as a subject for honest rejoicing to good citizens—for British jollification or French fanfarronade. If these men were heathens, there would be more to be said for them; though one might have thought that improved means of education and advancing intelligence would have taught even to paganism, that the self-isolation of nations—the self-imposed and obstinately-maintained severance of man from man, because they happen to be of a different race, or to have a different political history—was not an evil to be danced and sung about, but a calamity

to be deplored. Being Christians, it is difficult to understand their error. Christianity cut the knot which intellectual advancement would sooner or later have untied, and if it taught anything, taught this, that simply because they belong to a different race, or are geographically divided from them, men have no right to treat other men as socially and politically distinct from themselves; that the mutual estrangement, social and political, of members of the great human family is an evil of the same nature as the mutual estrangement of children born of the same parent; and that the exclusive regard of men for those with whom they are classed by the accidents of origin or of soil is a moral delinquency of the gravest kind. Be it remembered by those who meet, as they imagine triumphantly, considerations such as these with the words "Utopian" and "visionary" (words by which it may be remarked that every innovation in any important degree conducive to the general welfare has in its turn been stigmatized), that what is here contended for is not the possibility of immediate or proximate remedy, but simply the proposition that the acquiescence in an approval of a state of things so contrary to good sense, to right feeling, and to the most vital interests of the world, is unworthy of intelligent and well-intentioned human beings.

The virtuous self-satisfaction which has just been noticed as attending upon the assertion and display of nationalism, and which opposes so fatal a bar to international concord and union, is based upon con-

fused notions of patriotism, which is of two kinds—patriotism the virtue and patriotism the vice.

Patriotism the virtue is that feeling which, where it exists in a high degree, inclines a man to prefer to his own interests the interests of the country to which he belongs, and which, in however small a degree it exists, leads him to consider himself not as an isolated being with no concern but his own welfare, but as a member of a society whose welfare is his own. Patriotism the virtue makes the general well-being, as distinct from that of the individual in whom it resides, its study and its care. If either the existence or the well-founded claims of his own country as a member of the community of nations is threatened, it devotes itself, at whatever sacrifice, to their defence, just as it would devote itself to ward off any internal calamity of equal magnitude. It admits that, so long as nations remain politically isolated from each other, so long as they are unable by common agreement to terminate the anarchy which afflicts them, force is the sole and legitimate protector of the rights of each; and that to compel a people against its will to submit to a foreign dominion is an injustice which must be resisted to the last. But the very essence of patriotism the virtue is self-sacrifice for the general good. It implies no approval or toleration of the anarchy of nations, or any idea that the interests of the particular country in which the patriot happens to live are paramount to those of the rest of the world. It is ready to sacrifice itself for the community to which it belongs, but it claims no right to decide as to the

limits of that community. The boast of nationality is no part of the business of such patriotism. Indeed, the mental disposition in which it is generated is such as would rather incline a man, so far as is possible, to enlarge the bounds of his country, not by military conquest, but by peaceful amalgamation; for the temper and habit of mind which characterise the true patriot as the citizen of a state would find a fuller development and gratification when he became a citizen of the world.

Patriotism the vice is the moral opposite of the former. It is that feeling among citizens which imparts to the nation, considered as one of the component parts of a great community, that very selfishness which is repudiated by patriotism the virtue. It is that feeling which causes a nation habitually to prefer its own to the general interest. The essence of virtuous patriotism is self-sacrifice; the essence of vicious patriotism is self-regard. One is the desire felt by a citizen for his country's advantage, even at the cost of his own; the other is the desire for his country's advantage because that country is his, at the cost of other nations'. Patriotism the vice looks upon the life of nations as one long struggle for success at the expense of each other; holds that a state should deprecate, and if it has the power prevent, any increase in the wealth and prosperity of other states lest the "balance of power" should be disturbed; and appears to consider the fact that the world was not made exclusively for the benefit of one nation as a disposition of affairs to which

nothing short of absolute compulsion should induce it to bow.

It is then by confounding these two kinds of patriotism that men are led to tolerate and approve of the anarchy of nations. With true patriotism that anarchy has nothing in common, but, on the contrary, is essentially at issue. If illustration be required of this, it is to be found in the fact that the most devoted and disinterested patriot of our time,—the Liberator of Italy,—is also one of the very few distinguished men who have felt and avowed international aspirations. At the close of a campaign unusually arduous and triumphant he gave vent, in a letter which appeared in the public journals of the day and was sneered out of court in the usual manner, to the trouble of his grand and benignant soul. Was war, he said, never to cease from the earth? Were nations to remain for ever disunited, with no thought but their own aggrandizement, and occupied in preparing themselves at an enormous cost to spring on the shortest notice at each other's throats? Was there no chance of a hearing for common sense and humanity, so that men, whether they were Italian, French, English, Austrian, Russian, or Prussian, should at length, after centuries of unwisdom, admit themselves to be members of a common family whose interests should be considered as a whole, and there might be an end, once for all, to the long reign of anarchy and blood? "How foolish! how inconsistent!" exclaimed the whole chorus of Philistines and Rule-Britannia politicians. The folly and inconsistency were their

own. The patriotism of Garibaldi is of that true kind which, as we have seen, is altogether distinct from nationalism. He fought to deliver his country, not from Austrians, but from Austrian despotism, as he would fight against any evil, internal or external, which afflicted her. But if (to suppose a case) Austrians and Italians, availing themselves of increased means of intercourse with each other, and overcoming the prejudices of race and the difficulties of language, should after a time have agreed upon some federal alliance or some common form of government acceptable to the people of both countries, Cobden himself would not have been more overjoyed. Garibaldi would have fought and bled for freedom in America as freely as he fought and bled for her in Italy. For real patriotism is that which is free from any taint of egotism ; sees in loss or injury to the country of other men loss or injury to its own ; and would blush to accept benefits for a nation at the cost of the world at large.

It was the peculiar merit and the privilege of Cobden that he apprehended the truth here indicated, and made it the lodestar of his political career. But inasmuch as the time was not ripe for that full development of internationalism which consists in some form of political union, he saw that the work cut out for him in life was to prepare the way for it by habituating so far as might be possible the public mind to the idea, by removing obstacles to its progress, and by advocating and pushing forward every measure of legislation or policy which could tend to its realisa-

tion. Foremost among such measures was the liberation of commerce; and the first and most formidable monster to be assailed by the champions of commercial liberty was the infamous English Corn Law. The attack upon a law which starved one country and impoverished the rest for the benefit of a few landlords was a task after Cobden's own heart; and he was supported and encouraged during the tremendous conflict by the feeling, little known to most of his coadjutors, that he was fighting, not for his own country only, but for all others; and that victory in the fight would be the first step towards the attainment of the grandest object of which a politician had ever dreamed—to break down the barriers of a narrow nationalism, and blend into one great community the nations of the world. For he knew that free trade in corn was but the prelude to the freedom, at no very distant time, of commerce generally; he knew also that freedom of commerce generally meant a community of interests which would grapple nations to each other with hooks of steel, and an increase of personal intercourse between their citizens,—the sovereign remedy for that self-complacent nationalism which is the greatest obstacle to political association. It is certain that, of all expedients calculated to promote the object in view, there is none so efficacious as this last. A new railway, or an improved steamboat service on a dividing sea, or the abolition of adventitious official impediments to travellers, may be of more avail than all the speeches and writings of the most devoted philanthropist. For it must be obvious

that there is a conceivable degree of social intercourse between nations of which some kind or degree of political association is the natural and necessary result. If, for instance, the communication between Englishmen and Frenchmen, instead of being limited, as it now is, to the yearly arrival of a hundred or two of the latter, sea-sick and miserable, in a grim and squalid locality, presided over by a hideously-mutilated statue, and which they imagine to be London, and to the yearly influx into Paris of a stream of British tourists, contemptuous, ill-mannered, and unintelligent, —that communication was in every respect as constant and easy as the intercourse between adjacent counties of England, it is impossible that the two countries could remain long disunited. Manners, language, currency, laws, would gradually assimilate; and the result, sooner or later, would be political union. Every step in this direction is a step of which the importance cannot be overrated. In proportion as the intercourse of the citizens of one state with those of another became more familiar, nationalism would decline; war, though it would at times be inevitable so long as nations are under perfectly distinct governments, would be more and more reluctantly entered upon; until at length the work would find its completion in political association, and all war, except civil war, be thenceforth at an end.

The blow which shattered the English Corn Law shook to its foundation the whole ingenious system by which, under the pleasant name of "protection to native industry," men had contrived to counteract a

singularly beneficent provision of nature having for its object their own material and social welfare; and the advantage thus gained was promptly followed up by the great soldier of peace and goodwill. The war of tariffs is responsible for the war of bullets and cold steel. Men think twice before they cut the throats of those who are perpetually engaged in filling their coffers. If the trade of this country with Russia had been as great as her trade with the United States, what chance would the "war-at-any-price party" have had in the dispute about the Russian War? If her trade with the United States had been as small as her trade with Russia, what would have been the probability that peace would have been preserved during half-a-century between the jealous and irascible parent and the undutiful and now gigantic son? But protection not only generates war by removing the inducement to peace which is afforded by identity of interest; it fosters and encourages that deeper and wider evil of which (as we have seen) war is one of the many calamitous results—the sharp division of mankind into distinct societies resolutely set against any approach to political communion. Protection, besides keeping nations poor, keeps them apart in sullen rivalry, and hostility worse, because more widespread and enduring, than that of the battle-field. The very fact that nations are habituated to consider it a duty to enrich themselves at the expense of other countries tends to exclude from their minds the idea of association, and to encourage that of self-seclusion; and the case is not altered by the

circumstance that instead of enriching they are impoverishing themselves. Men will never look upon each other as members of one family, or yearn after that political association for want of which they suffer so bitterly, as long as they are taught to consider the gain of other countries to be the loss of their own, and are deprived of that inducement to communication with each other which commercial unity both directly and indirectly provides. The Commercial Treaty with France, forced as it were upon both countries by the strong will and earnest faith of one extraordinary man, was therefore (and he knew it) a magnificent stroke of work in the cause which he had at heart. It was, moreover, a success, in its very nature prolific of further successes. Already an arrangement similar in principle,—mainly through the unremitting exertions of one who, during the arduous struggle of which the prize was the treaty with France, stood at Cobden's right hand, caught his spirit, and realised the grandeur of his aims,—has been made between this country and Austria; foreign nations among themselves have begun to imitate the example; and one of the most obstinately defended strongholds of international exclusiveness and discord is in a fair way of being levelled with the ground.

Next to commercial monopoly, the most fatal enemy to internationalism was the pseudo-patriotic sentiment already noticed, and which Cobden accordingly attacked with uncompromising vigour and pertinacity. That one Englishman was equal to three Frenchmen, and that in addressing himself to the task of proving

it he was doing that which was pleasing rather than otherwise to the supernal powers, was the form which for a long time was taken by this sentiment in the illiterate British mind. With the secession of the French Revolutionary War into the background this impression has become less actively prevalent; but there is still a lurking conviction in the minds of a large number of persons in this country that to fight Frenchmen, and probably also Russians and Americans, is in itself a highly moral and laudable act. War is generally felt to be a calamity; but a calamity qualified by the consideration,—first, that there is a natural antagonism between Britons and foreigners, which is, as it were, part of the scheme of creation; and secondly, that it is more in accordance with the eternal fitness of things that British interests, British fleets and armies, and British ideas should prevail, than those of any other nation. Thus it is very commonly, though most untruly, asserted, by very well-meaning and in other respects reasonable men, in defence of the war waged for twenty years by this country without a shadow of justification with France, that but for that war the power and influence of Great Britain among European states would have been very much less than they now are; from which argument it is to be inferred that, in the opinion of those who use it, any amount of injustice, slaughter, and suffering, would kick the beam if the interests of their own country were in the other scale. Until ideas such as these are totally and irrevocably eradicated, there is little hope for internationalism.

Another and most mischievous institution of the same class was the Civis Romanus. This personage, and the intolerable national arrogance on which he depends for existence, was the object of Cobden's most determined hostility. In China he took the form of an adventurous skipper, mistaken, apparently not without some reason, by Chinese officials for a pirate; in Greece, that of a Spanish Jew, whose miserable squabble with the Government was settled by the conclusive if not logical argument of a British fleet; in Brazil, he was alternately a drunken midshipman, incarcerated for inebriety, and the owner or insurer of a British ship which the winds and waves, regardless of Roman citizenship, had cast upon an outlandish coast, and which was pounced upon by the nomad and semi-savage wreckers of the place, for whose misdeeds the Brazilian Government, finding itself powerless to punish them, was magnanimously chastised, and threatened with further chastisement, for not having done so by the Government of a country twenty times as powerful as its own. Against this calamitous individual the great Internationalist waged incessant war; nor were his efforts entirely unattended with success, if we are to judge by the fact that this particular enemy has of late considerably moderated his pretensions. The monstrous doctrine that a state has the right to require for any of its own subjects who choose to visit or reside in a foreign country treatment which is not in accordance with the laws or customs of that country, or an amount of legal protection which no native of that country ever

dreams of obtaining, has recently shown somewhat less readiness to parade itself before the public view. The mental condition, however, in which it was generated unhappily survives, and should be resolutely opposed by all right-minded men.

Closely allied to nationalism and Roman civism, fighting by their side the battle of selfishness and barbarism against civilisation and humanity, and as such assailed by Cobden with singular power, though with but too little success, was the policy of "bloated armaments." That policy has been the fashion in this country ever since the war with Russia, which, finding its support in hobgoblin arguments and panic the most anile, appears to have bequeathed them as a lasting legacy to the nation. Scarcely had that useless and disastrous conflict ended, and the pocket of the British taxpayer begun to feel the better for the change, when the bugbear of French invasion for about the hundredth time cast its shadow over the land. It was promptly turned to account by that large class of persons who, actuated some by national vanity, called by themselves patriotic pride, others by less excusable motives, are the steady advocates of plethoric budgets; and the consequence is that the national expenditure is at the present moment greater than it was before the Russian War by some fifteen millions, almost the whole of which goes to the account of the army, navy, and coast defences. The triumph of the old women has been complete. The preparation for war has been in the inverse ratio to the probability of it; for if there is one feature

more indelibly stamped on contemporary history than another, it is the deep anxiety shown by the present ruler of France, throughout his long and prosperous reign, to be on amicable terms with this country. In response to his advances, its taxation was at once placed and has ever since continued on a war footing, and a volunteer army was created, respecting which kind of force, however, there is this to be said, that so far as it is a defence at all, it is (like chivalry) a cheap defence of nations. But for the enormous and steadily maintained annual expenditure on the regular forces there is literally no excuse whatever. From the point of view of the narrowest expediency it is a blunder of the grossest kind. For, unquestionably, to a country whose position, moral and physical, is that of Great Britain, the road to success in war lies in the maintenance during peace of an inexpensive nucleus of force, to be developed, when the necessity occurs, as only a free and energetic people, whose progress to commercial wealth has sustained little hindrance from the tax-gatherer, can develop it. But it was not on the ground of expediency that Cobden fought the battle of retrenchment. He fought it, while deeply feeling its importance in a national, chiefly from an international point of view. The curse of great standing armies is laid, not upon this or that nation only, but upon the whole civilised world; and it is the interest of humanity in general that demands its removal. "Si vis pacem para bellum" is the comfort which the authors of this calamity—presuming on the general incapacity to

perceive that "si vis bellum, para bellum" is much less questionably true—are in the habit of offering, with considerable success, to their deluded victims. The argument, however, which is most directly responsible for the vast preparations for war which nations in their ardent attachment to peace have thought fit to make is the argument that other nations are doing the same thing. Nation A arms itself to the teeth, and groans under a crushing burden of taxation, solely because nation B has done the same. Nation B, whose large armaments have very probably been raised for the repression of liberty among its own subjects, perceiving this step on the part of A, accuses it of hostile designs, and increases its own armaments accordingly, which leads to a further increase in the same direction on the part of A. This arrangement considered as an elaborate contrivance for maintaining peace, and the political dialectics of which it is the result, are extremely curious. If any one suggests, as Cobden suggested, that there is something inexpressibly foolish and puerile in all this; that, if reason has not deserted the world, some agreement ought to be come to for reciprocal disarmament; or that, in the event of this being found impracticable, then if there be a nation free, and therefore requiring no standing armies to prevent its being so,—insular, and therefore having, on the one hand, little direct interest in continental quarrels, and, on the other, provided by nature herself with a peculiar and still formidable defence against hostile aggression—if there be a nation superior to all others

in commercial wealth, and therefore able in case of emergency to develop a strength which would far more than counterbalance any insufficiency of preparation; that nation ought to be the first (for one of them must be the first) to quit the path of folly, and set the example of a return to conduct in some degree rational and dignified:—if anyone ventures to make this suggestion he is forthwith consigned to the limbo of political enthusiasts, and no longer looked upon as a sane man in this country. Nor indeed, if the recent foreign policy of this country be considered, is it wonderful that such suggestions should appear to be madness by its side. To reject with a sneer every proposal for the prevention of war by mitigating in however imperfect a degree the anarchy of nations—to meet with a curt and insolent negative any suggestion for the adjustment by general agreement of difficulties which threaten universal war; to refuse to refer to arbitration an important question, admitted on all hands to be one of difficulty, in dispute with a great and kindred people, on the turgid and irrelevant plea that "Britain is the guardian of her own honour,"—is a course of conduct of which those who approve are consistent enough in treating common sense and right feeling as insane. To decline all interference in the affairs of foreign states, not for the sake of humanity but of self-interest, and maintain at the same time an attitude of hostile expectation against the world—to incur a vast expenditure on the ground that it is required for the protection of the national existence and interests, which nobody

threatens, and with the result of providing an excuse for the adoption by foreign powers of a similar course; and so to endanger the general peace and add to the general misery;—is a policy to whose advocates internationalism may well appear to be the product of a disordered mind. But an insanity whose result is the direct opposite of such policy is an insanity to be coveted by all reasonable men.

Representative reform was another subject which lay near to Cobden's heart; but this too he valued not only for itself, but for its connection with internationalism. Nationalistic egotism is a malady proper to despotic and oligarchic institutions. The moral code which makes selfishness and jealousy, if not dislike, of foreigners a part of the whole duty of nations is peculiar to the class which in most states monopolises political power; the great majority of citizens are guiltless of its existence. John Bullism is not a democratic vice. The British Lion has a roar which is terrible chiefly among the upper classes, and aggravates his voice when he mixes in society less refined. The wars of civilisation have been for the most part wars not of nations but of governments; for war is not only a game which kings would not play at if their subjects were wise, but a game at which they would very seldom play if their subjects were free. Into the causes of this phenomenon it is not necessary to inquire. It is probably due partly to the fact that large standing armies are a necessity of life to despotic institutions, and that large standing armies must be employed, partly to the natural and

jealous exclusivism of governing classes, and partly to the affinity and sympathy of all liberal ideas. What is certain is, that for the complete realisation of internationalism in its ultimate result, political association, it is requisite that nations in general should possess a very large measure of real political liberty; and that according to the degree in which they possess it they will be capable of appreciating the advantages of such association, and of comprehending and avoiding the evils incidental to its absence. Complete political liberty once established in the world, some form of international federation would be the natural result. Nationalism, the offspring of class interests and monopolised power, would gradually disappear; armaments maintained for the repression of freedom would no longer afford incessant provocation and occasion for war; and men would begin to ask themselves in wonder on what possible ground of reason or self-interest they had been for centuries the enemies and rivals of their fellow-men.

It is the duty of those to whom the memory of Richard Cobden is the memory of a greatness, not only beyond question and almost beyond rivalry, but of a wholly original kind,—a greatness which, while it filled a vast chasm in political philosophy, was rich in a new promise and possibilities hitherto unimagined for the happiness of mankind, and which, at the same time, neither was nor is generally appreciated or understood,—to see that his name appears in history not under the light of a fictitious and commonplace distinction, but in its own peculiar and enduring

lustre, and takes its appropriate place in the hearts and in the minds of men. It is well that political societies should be founded in his name; it is better that they should accurately represent his character, and carry forward with faithfulness and discrimination the work which he begun. There is fear lest the most precious political truth that has been taught in the world should be lost to it for ever—buried once for all in the grave at Midhurst. It is not the advocacy of liberal principles more or less "advanced" which entitles a man to be considered a disciple of Cobden. "Peace, retrenchment, and reform," is, it is true (or rather was), the motto of the Liberal party, and commercial freedom is inscribed on its banners; but those who claim to follow such a leader must not be content to rest in these things as final—must see beyond and in part resulting from these things a new policy and a happier age—must believe as he believed, that it is no idle dream, no vain chimera of the poet or the enthusiast, but a rational and a practical proposition, that men may be brought no longer to look upon difference of race, creed, and climate as a necessary obstacle to political unity. Whoever among them can write a line of telling English, or speak one sentence worth listening to upon a platform, should take this for his theme. On the one hand, to familiarise the idea in the minds of men; on the other, by every expedient of scientific enterprise, legislative improvement, or private effort, to promote identity of interests and facilitate personal intercourse between the citizens of different states, are the two great

objects to be kept in view. Above all, let the lovers of freedom remember that there is a tyranny more fatal than any which they oppose—the despotism of words. Calling names is the weapon of ignorance and folly, wielded with deadly effect, in the battle against truth. Assail a really humane and sensible project, however startling to prejudice, with the most subtle argument enforced by the most consummate eloquence, and it will resist;—call it "humanitarian" and it will succumb. Reason ever so long against a scheme fraught with important advantage to the world, and you may reason in vain;—call it "visionary," and (if only it has novelty sufficient to give colour to the charge) the most thoughtful men will desert its cause. In the present case there is the same danger. It may be "visionary" to imagine that a change which is opposed to inveterate prejudice and time-encrusted tradition will be other than gradual and remote. It is not visionary to suppose that, in spite of prejudice and tradition, the way may be prepared for the advent of reason and humanity; it is not visionary to believe that separation into distinct and isolated communities, with no objects but those of self-interest and no relations but those of rivalry and hostility, is not the normal condition of the civilised world; and that in the crusade which Cobden preached, not to rescue holy sepulchres from sceptical custody, but the hearts of men from the dominion of selfishness, envy, hatred, and cruelty, there is real hope for the human race.

WORKING MEN AND WAR:

THE MORAL OF A RECENT CRISIS.

SOME two or three months ago, just at the time when nations were about to meet in an Armageddon of peaceful industry, Europe suddenly found itself on the verge of a gigantic and desolating war. Few doubted for a moment that two enormous armies, equipped with weapons of the newest pattern and destructive beyond all precedent, were about to be hurled against each other, and to repeat, on the same theatre, but on a grander scale, the performance which so often before has thrilled and fascinated the world. Few doubted for a moment that commerce was to be paralysed, moral and intellectual progress checked, evil passions unchained, force deified, cruelty condoned, crime encouraged, pauperism increased and ignored, in the old and well-known style. And the cause was as clear as the event seemed certain. This was to be no war for the protection of the weak against the strong, to prevent injustice, or to liberate oppressed nationality. It was to be a war of the simplest and most elementary character—a war for territory. Moreover, it was a contingency which

every one of what is called "a certain position in society" appeared to think perfectly natural, and, though much to be regretted, neither to be avoided nor denounced. That in this nineteenth century immense bodies of men should still at intervals be engaged in cutting each other's throats is considered, by an influential minority of mankind, a phenomenon which is lamentable enough, but to suggest a remedy for which is to be a visionary, or, what is worse, a "peace-man." Position in society is in the habit of looking upon occasional war as a necessary condition of human affairs, and holds that the mutual trucidation of human beings is a matter of providential arrangement, susceptible of no more satisfactory explanation than the origin of evil, and having, like other misfortunes, its advantages and compensations.

It happens, however, that society consists not only of those who have position in it, but of those who have none, and that the latter are by far the most numerous. Let us see, then, what is the opinion on this subject entertained by the vast majority of the individuals of whom society is composed. France and Prussia were on the brink of mortal strife; but the people of France and Prussia—the class which lives by its labour, comprising probably some four-fifths of each nation—held out their hands to each other, and declared that they for their parts declined to quarrel, and looked with abhorrence upon the bloodshed to which they were being committed. By protests and declarations of every kind they proclaimed that the avowed cause of war, the possession

of territory, was no reason for it in their eyes. They declared that "labour was of no country;"—that so long as they were protected in the peaceful possession of the fruits of their toil, and allowed to perform their part in utilising and interchanging the products of the earth for general good, they cared not whether they were called Frenchmen or Prussians; and that to fight in such a quarrel was to fight for an empty name. It might be for the benefit of their rulers, who derived honour and advantage from such distinctions, to maintain them at the cost of unutterable misery to the world; to them it was none. For themselves they wanted no wars, and, if they had liberty in any true sense of the word, war would long ago have been a thing of the past.

The simple fact is, that the working men, or, in other words, some four-fifths of the population of France and Prussia, whose feelings on the subject are shared by about the same proportion of the population in other countries, have apprehended (partly, no doubt, because they and not the wealthier classes are the principal sufferers from the antagonism of nations) a truth which those who claim superiority over them have failed to understand. What they meant by their protests and declarations was nothing more nor less than this—that war is not inevitable; that the cause of war is nationalism; and that, if they had their will, nationalism should be no more. Nationalism —the segregation of mankind into distinct communities, each of which is a law to itself, and repudiating at the bayonet's point all political communion with

its neighbours, is precisely in the condition of a society in which there is no government—is that which makes war inevitable; and the end of nationalism is the end of war. No war, except civil war, would be possible when once an end was put to that anarchy of nations which has so long disgraced a Christian world. In a community which has taken no step towards political institutions, in which each individual considers his neighbour unqualified to form part of the same body politic with himself, force must and will be resorted to for the protection of individual rights and interests; for it is the only tribunal to which they can be referred. So long as nations cling obstinately to anarchy, on the ground that they are unfit for any form of political association, not only wars, but wars which may be termed just and necessary, must from time to time occur. The members of a society in which there is no law must take the law each into his own hand. What the working men of France and Prussia meant was not that resistance to interference by one nation with the rights of another was unjustifiable, but that there is no reason in the nature of things for the division of mankind into separate and antagonistic communities, any more than there is a reason why individual human beings should abjure a common polity. The possessors of leisure and power may think or affect to think it preposterous, but to those who live by labour the idea has long been familiar—that whether a man is happy is a more important inquiry than whether he is a Frenchman or an Englishman, a Prussian or an

Austrian. The manifestos of working men during the late crisis afford evidence of a fact little regarded by the governing class in all countries—that a feeling has long existed among those whom they govern, and is advancing with resistless force, which must sooner or later overflow the barriers of nationalism. The notion that foreigners are unfit for political intercourse with themselves, and that the division of the human race into isolated sections is an eternal ordinance which it is not only unpatriotic but impious to condemn, is supposed, by those who are interested in upholding despotic and oligarchical institutions, to be general among the inhabitants of this and other countries, but in reality has long been confined to their own class. Ask those who are lower in the social scale, but who, besides being more numerous, are as a rule more thoughtful—read their journals and listen to their conversation—and you will find it treated with reprobation and scorn. In this country, owing to the inferior provision for popular education, the progress of internationalism among the working class has probably been less than in some others; but even here it has taken vigorous root. Here, also, that "labour is of no country;" that men are entitled to regard and respect to whatever nation they belong; that happiness and self-respect are independent, not certainly of political institutions, but of nationality; that *cæteris paribus*, life is as well worth having whether a man is an Englishman or a Frenchman; that, indeed, all such distinctions are an evil; and that it is less sensible, less honourable, less conducive

to human welfare, that men should be citizens of a particular country than that they should be citizens of the world;—has long been the creed of those whose opinions on the subject are not even known to the depositaries of political power, but who are now advancing, however slowly, towards the attainment of such a share in the government of the country as will enable them to give effect to their views. Nationalism and oligarchy are sisters indissolubly bound up in each other; political liberty and internationalism are inseparable allies. A ruling minority, looking upon the nation which it governs as its own domain, is naturally enough unwilling to share it with others, to merge in a common polity its exclusive privilege and power, and to give up the standing armaments which enable it to maintain them, and whose occupation would thenceforth be gone. That, on the other hand, with real political freedom, internationalism, notwithstanding the ridicule, partly ignorant and partly interested, with which it is treated, would before very long take some practical effect, is now sufficiently evident. Whenever the working class, advancing as it is in education, intelligence, and power, obtains that which must at no very distant time be conceded to it—a share proportionate to its numerical importance in the government of the world—it will not be long before the barbarous, puerile, and eminently pagan exclusivism which has kept nations apart and deluged the earth with blood ceases, in the garb of patriotism, to impose upon mankind. There must at any rate now be an

end, once for all, to the tone of good-natured contempt with which speculations of this kind have hitherto been set aside, for it is now clear that they are the calmly and deeply entertained convictions of the great majority of civilised men. It is now clear that, if wars are made in the mere spirit of nationalism —for the mere purpose of aggrandising one nation, or preventing the aggrandisement of another—they are made against the will of the majority; and it is further clear that, in the opinion of that majority, the wholly distinct political existence of nations, with the rivalry, antagonism, and anarchy which it involves, is a barbarous anachronism.

So deeply rooted indeed is the prejudice, so inveterate the habit of thought, which looks upon the separation of men into isolated bodies, always rivals and often enemies, as a necessary incident of human life, that even to the operative classes themselves time will be required for giving a perfectly full and clear perception of the great principle which they have apprehended. Men have so long been taught by the recognised instructors of the world that the anarchy of nations—the blood-stained barriers of nationalism —are of divine institution, that there is some excuse for their belief in the doctrine. The differences of race, of creed, of language, or of political character among the various nations of the earth have, time out of mind, been supposed to be such as to make the idea of any approach to political association simply ridiculous. A supposition more diametrically opposed to truth and wisdom it would not be easy

to conceive. But for prejudice and ignorance it would at once be seen that the continued dissociation of the various branches of the human family is not divine, but the opposite, and that the proper subject for derision is not the search after some common bond of union for civilised and Christian men, but the blindness which has so long acquiesced in its absence. Anarchy in the community of states is that which anarchy would be in an ordinary community—a scandal and a shame. The lawless life of nations, with the hand of each against the other, is as foolish, and ought to be considered as intolerable, as the same kind of existence among individual men. Tradition, habit, dissimilarity of character, language, race, or creed, ought no more to be accepted as excuses in one case than in the other. It is the business of human beings with any pretension to civilisation or enlightenment to see that such obstacles do not stand for a moment in the path of a consummation which is demanded by every dictate of reason and humanity. Nationalism, which is a reproach to Christendom and an insult to common sense, would have long since perished but for obstacles; and it is the business of those who care for the future of mankind to use every effort for their removal. Foremost among them all is prejudice—the torpor of mind which, handed down from age to age and fostered by vicious education, fails to recognise truth merely because it is new; and this, by whatever resource of pen or tongue may be at his command, it is the duty of each man in his sphere to assail. Formidable in

the next degree is the obstacle of dissimilar political institutions. It is, for instance, obviously impossible for nations, one of which is ruled by a despot or by a class, and the other is under perfectly free government, to take any serious step in the direction of political unity. Both states, so far as their people are concerned, may be anxious for union, but antagonistic forms of government forbid the banns. It thus appears that one of the reasons why internationalism is of so little account is to be found in defective systems of government. If nations were, as they ought to be, self-governed in the true sense of the word, the transition to common government, through the preliminary stage of federation, would be natural and easy. Tyranny, based on ignorance and selfishness, has thus been a main agent of the disunion which has so long afflicted the world and outraged freedom, the cause of the worst miseries of mankind. Let the millions who, like the working men of France and Prussia, are actuated by the desire, so ridiculed and so rational, to live in fellowship with other men, and are not ashamed or afraid to form part of the same community with those who differ from them by the mere accident of race or climate, remember that before they can do this they must be free. The government of a despot or of a class, besides the other evils for which it is answerable, is answerable also for this—that it keeps men apart from each other, actual rivals and possible enemies, and, as a consequence, impoverishes them for the purpose of enabling them, when occasion occurs, to shed each other's

blood. There is but one kind of polity—it is of substance and not of form that we are now speaking —which is fit for rational beings, and that polity must be theirs before they can hope for rational intercourse with each other. War will cease only when government for the few exists no longer; and the way to peace is through the gates of liberty.

Were it only for this last consideration, it is but too obvious that the great change which will sooner or later unite the world must be gradual and remote; but there are not wanting signs that the way is already in course of active preparation for its advent. The very fact that it is no longer possible for the monopolists of political power—who have been suddenly awakened to the fact that theories which they have treated as the mere crochets of idle and morbid dreamers are to the vast majority of thoughtful, intelligent, and practical men mere common sense and common humanity—to sneer at the very mention of that change, and ignore it systematically in their policy and legislation, is an important step in the right direction. It is true that freedom is a condition indispensable to the object in view; but to familiarise men's minds with that object is in itself to supply them with a powerful lever for the acquisition of freedom. The first serious blow to nationalism was dealt by Free Trade, which gave for the first time a common interest to nations, and taught them that, whatever might be the result of human arrangements, nature abhorred their antagonism. In order that the minds of men might receive the idea of political

union, it was necessary that commercial enmity should cease. The possession of vital interests in common leads them in the first place to pause before they come to blows, and in the next place to consider whether there must not be some signal and fatal defect in a system which arms every community to the teeth against its neighbour, and supplies them with no court of appeal but the cannon's mouth, and no arbitrator but the sword. Free Trade, then, is progressing: currency, it may be hoped, will at no distant time be assimilated;—not long ago a great congress representing the working men of all nations met in the capital city which was of all others the most appropriate for their meeting; and men have turned their minds to see what can be done to remove a difficulty which is serious, but which the example of Switzerland shows not to be fatal—that of language. Above all, in England, upon which so much of the world's future depends, the spirit of freedom is abroad, has recently gained a victory,* and will not

* This victory, which is compared to Chæronea by those who think the political slavery of five-sixths of a nation essential to its welfare, is in reality but a small affair. The alarm felt by the opponents of freedom in the presence of household suffrage is as unfounded as the exultation of her friends. In France there is not household but universal suffrage. But, as in France universal suffrage does not give freedom because the "seats" are all "distributed" (if the expression might be used) to one man, so in England household suffrage will not give freedom, or even (as some Liberal statesmen fondly imagine) prepare the way for it, so long as the seats are distributed in the way we know. To invest a man with political power at the same time you invest another with ten times as much, is a strange mode of conferring upon him political liberty.

rest (we may hope) until its triumph is complete. It cannot be long before a neighbouring and rival nation shakes itself free from the charge of unfitness for self-government; and, when that is done, more than half the battle of freedom will have been won. Beyond the Atlantic the cause is secure. So long as that great people, whose greatness has been shown by recent events to rest on a foundation which no hurricane can shake, possesses almost a monopoly of real political liberty, the idea of a common polity for civilised men can assume for it no practical form. But nationalism is opposed to the very spirit of its institutions, and to its thoughtful, enlightened, and independent character; and so soon as it shall be possible for nations, meeting on the common ground of freedom, to erase the word "foreigner" from the vocabulary of the world, America will take the lead in the inauguration of the new era, and will continue to attract to her shores the myriads of every race welcomed as now to wealth and liberty, but expatriated no more.

THE ALABAMA CLAIMS.

PRESIDENT GRANT'S message has reawakened an ill-favoured controversy whose sleep, it was fondly hoped, would deepen into dissolution. Unfortunately the material is of no perishable kind; and while it lives there are no bounds to its capacity for evil. War between two such nations, allied in blood and pre-eminent in commercial importance, is, indeed, very generally held to be impossible as a direct result; as an indirect result few will question its possibility. But, apart from any such danger, the rankling, ill-suppressed, and continuous hostility, which is the other alternative during the life of this unhappy misunderstanding, is scarcely less to be deplored; and assuredly nothing should be left unsaid which can contribute to its extinction. Above all, it is desirable that Englishmen should be correctly informed as to the real position of affairs. Because little or nothing has been known of what our rulers were doing, we have drifted before now on many a perilous shore. It is not too much to say that three-fourths of the wars which have been waged in modern times might have been avoided if the negotiations which ended in

them had not been secretly carried on. Bullets and bayonets, which diplomatists call eventualities and complications, are a crop very seldom sown in the light of day.

Early in 1868 the negotiations on this subject had come to a dead lock, and the state of the case was then as follows. The Government of the United States having failed in its application for redress when Lord Russell conducted our Foreign Affairs, had made another attempt when they were in the hands of Lord Stanley, in the shape of a Despatch, which enclosed a formidable list of claims on account of property of American citizens destroyed by the *Alabama* and her sister ships, and recapitulating the grounds on which the complaint against Great Britain had been based. Those grounds were the following: That by the Queen's Proclamation of 1861 "belligerent" privileges were wrongfully conceded to certain slaveholding states then in insurrection against their lawful government;—that in consequence of such concession those states obtained not only immense moral support and encouragement, but power to assume a national flag, and to seize and destroy goods and shipping of the United States;—that thereupon from the very nation which had mainly occasioned this injustice there proceeded swift and powerful vessels of war, which became the recognised property of the insurgents and inflicted enormous injury upon American trade and navigation;—that to prevent such vessels from leaving her shores no serious, or at least no sufficient, effort was made by the British

Government;—that, moreover, such vessels were repeatedly harboured and protected in the ports of Great Britain and of her Colonies;—and that Great Britain owes to the United States reparation for these injuries.

The British Minister had refused, as his predecessor had refused, to admit the validity of these representations. He had maintained, as his predecessor had maintained, that the Queen's Proclamation of neutrality simply confirmed what had been done by the President's Proclamation of blockade, which was itself a virtual declaration of Southern "belligerency;"—that, moreover, the belligerency of the South was a matter of fact evidenced by the existence of a regular Government, the maintenance of a large army, and a declaration of war, and that this had been admitted by the Minister of the United States in his despatches to foreign Governments. That it was not correct to say that the maritime rights obtained by the Confederates were the result of any action on the part of Great Britain, since, independently of all such action, those rights were a consequence of the belligerent *status* which events had conferred upon them;—that the Royal Proclamation was necessary in order to inform British merchants of their liabilities on account of the blockade; was in the interests of the United States themselves in so far as it enabled them to maintain the blockade; and had not, as was well known, been dictated by any unfriendly feeling towards them. That, with regard to the escape from England of ships intended for the Confederate service,

it was only at first that any negligence could possibly be alleged against the British Government, which after the escape of the *Alabama* took effectual measures to prevent such occurrences;—and, finally, that under these circumstances the British Government could not admit that the United States had established any claim to reparation. He had offered, however, on the part of Great Britain to refer the claim to arbitration, but only on this condition,—that in the case submitted to the arbiter no account should be taken of the recognition of the insurgent states as belligerent by the Royal Proclamation of 1861. On this condition the British Government insisted, because it considered that the question as to the propriety of that recognition was of a kind upon which "every state must be held to be the sole judge of its duty." The United States, on the other hand, while assenting to arbitration, desired that the whole controversy might be referred as it stood, in order that their demand for compensation might be laid before the arbiter accompanied by all the statements and arguments on which it was founded. Neither Government being willing to abandon its position, the correspondence had come for the time to an end.

The negotiations were shortly afterwards reopened in England by Mr. Reverdy Johnson, the diplomatic successor of Mr. Adams; and the consequence was a Convention signed by Mr. Johnson and Lord Clarendon. By this Convention, the claims on either side arising out of the war were to be submitted to a commission composed of two Americans and two

Englishmen, who before considering them were to appoint an arbitrator for the decision of any question upon which they might disagree. But for the "*Alabama* claims" the Convention made exceptional provision. For the settlement of these, in case of disagreement the arbitrator to be named by the commissioners was to be the "Sovereign or head of a friendly State;" and it was further provided, that with regard to these claims neither Government "should make out a case, nor should any person be heard for or against such claims," the official correspondence which had already passed being alone submitted to the arbiter. Of this Convention the American Government (as was to be expected) disapproved, chiefly on account of the exceptional treatment applied to the *Alabama* claims, and more especially of the limitation with regard to the evidence to be adduced on either side. They informed our Government that this limitation would have to be entirely removed, and they specified the particular alterations, in this and other respects, which would be necessary in order to render the treaty acceptable to the Senate of the United States. The result was, that the British Government accepted these alterations almost as they stood; and a new Convention was signed by Mr. Johnson and Lord Clarendon, in which, among other amendments, the limitation respecting the *Alabama* claims was omitted, and the fullest liberty of adducing evidence on either side permitted; the obstacle which two years ago appeared alone to prevent a settlement of the question being thus removed by means of the

most complete concession on the part of the British Government. This new Convention was laid before the Senate of the United States, and almost unanimously rejected by that Assembly.

In October last, the question was revived in a despatch from Mr. Fish, the American Minister for Foreign Affairs, which was communicated by Mr. Motley (who had succeeded Mr. Reverdy Johnson) to our Government. The object of this despatch was, in Mr. Fish's own words, "to state the position and maintain the attitude of the United States in the various relations and aspects of the grave controversy with Great Britain." It was not, he continued, "written in the nature of a claim, for the United States now make no demand against her Majesty's Government for the injuries they feel they have sustained." They preferred, he said, to leave the time at which negotiations with a view to the settlement of the question should be renewed, and the manner of its settlement, to the consideration of the British Government. When the British Government thought that time had come, they would, he added, be ready to consider with all due attention and impartiality any proposition which it might have to offer. The despatch was, in fact, an elaborate recapitulation of the ground of complaint against Great Britain which had so long been insisted upon. It also referred to the reasons which had led to the rejection of the Convention by the Senate of the United States. Lord Clarendon replied by expressing the surprise and regret with which the British Govern-

ment, after having conceded so much, had learnt that the Convention had been rejected, and by very naturally observing that the next proposition on the subject must proceed from the United States. He shortly afterwards sent to Mr. Motley, in reference to Mr. Fish's despatch, a memorandum, which was in effect a recapitulation, on our side, of the arguments on which the British Government has relied for its defence against the charges and claims of the United States. The negotiations were thus once more interrupted, and have not since been resumed.

Such being the present position, what is the future fate of this question? It seems impossible not to admit that a nation which by its senate or in any other manner rejects a convention, not only bearing the signature of its accredited representative, but, after important alteration to suit the views of its Government, approved by that Government, places itself *pro tanto* in a disadvantageous position before the world. Constitutional peculiarities may deprive such engagements of legal obligation, but cannot prevent them from being considered by public opinion as some kind of admission on the part of the nation that equitable terms have been offered to it, or, in other words, that a demand for further concession is exorbitant. The British Government, however, has with much wisdom and moderation refrained from insisting strongly on this view of the case, and contented itself with the requirement, the justice of which is sufficiently evident, that, as regards any renewal of the negotiations, the initiative should proceed from

the American side. Assuming, then, that at the instance of the American Government the negotiations will before long be resumed, it remains to inquire on what their success or failure may be expected to depend. Now, it is evident from the statements of Mr. Fish and of Mr. Motley, and indeed would be sufficiently clear without them, that though several reasons are given for the rejection of the treaty by the American Senate, the chief reason was the fact that the claims for which it provided a settlement were those of individual losers by the depredations of the *Alabama* and her kindred, no mention at all being made of any claim on the part of the Government of the United States against that of Great Britain for alleged breach of international duty. The United States consider, wrongly, or rightly, that they have two distinct claims against us: one for the reimbursement of American subjects for the losses which they incurred on this account; the other, to some kind of redress, reparation, or *amende honorable* for the important assistance which (as they contend) was given to the rebel states by the premature recognition of their "belligerency," and the subsequent negligence of the British Government to prevent some of its disastrous consequences by detaining the *Alabama* and other vessels in the ports of England. There can then be no doubt that, whatever other amendments it may be desirable to make in the Convention, if a few words could be added to it providing for reference to an arbitrator of the questions, whether the conduct of Great Britain during the war

involved any breach of international obligation—whether, if it did, the error was of a kind for which reparation could properly be demanded—and if so, what ought to be the nature of that reparation,—a settlement of the dispute would at once ensue.

Now, if the state of affairs was simply this—that the United States had demanded of our Government reparation of some kind for the recognition of Southern belligerency, and our Government had replied by a distinct refusal—there would be very few Englishmen, probably very few persons, on this side the Atlantic, who would find fault with the reply. That on the English side of the question there are arguments of considerable force Americans themselves would admit; and the British Government has as good a right to hold that it is not responsible for that act and its consequences, as the Government of the United States has to a contrary opinion. But that is not the proposal now under consideration. That proposal is, that the question—which of these two opinions is right—should be referred to the judgment of a tribunal selected for its wisdom and impartiality. Whatever else may be thought of this proposition, it is one which undoubtedly merits the most anxious consideration. A nation deliberately rejecting such a mode of settling differences for which there is only one other settlement, may have valid reasons for doing so, but (always supposing that a fitting arbitrator can be found) incurs very serious responsibility. In the disputes of private life, which cannot be made the subject of legal decision, it is commonly inferred that

the disputant who refuses to submit the question to the friendly decision of a third person, is the disputant who is in the wrong. This may very possibly not be the case; but there are, at all events, no unreasonable grounds for the inference. It might seem superfluous to repeat, but is too often forgotten—that to make concessions on a mere demand is one thing; to make concessions which have been pronounced just by a duly appointed referee is quite another. In the first case there is implied either an admission of the justice of the demand, or a deficiency of power or of courage to resist it,—in the second, neither the admission nor the deficiency. From concession the result of arbitration there can fairly be inferred neither a sense of culpability on the one hand, nor of weakness or fear on the other. In ordinary cases it is properly attributed to a just appreciation of what is due to the general interest, which requires that the members of a community shall abstain as far as possible from taking the law into their own hands.

Judging from past discussions, the objections which will be taken on the part of England to this proposal are as follows:—The first is that we are so unquestionably in the right, that there is no case, or shadow of a case, on the other side. But this argument (to which it may reasonably, though perhaps not conclusively, be replied, that if so we have no need to fear an adverse decision) appears now to be very generally considered as untenable. It seems, indeed, impossible to read the correspondence on the subject without perceiving that there exists at least some

colour for the American view. The statement that the recognition was precipitate, derives, to say the least, some show of reason from the fact, that of the great battles of the war not one had been fought when it occurred (which is saying, in other words, that the "civil war" had not then actually begun); while the reasoning of our Government, that the United States themselves had, by blockading the ports in the hands of the rebels, already declared their belligerency, is deprived in great part of its value by the further fact that the Queen's Proclamation appeared before the issue of the *complete* Presidential authority for the blockade of the Southern ports. But even supposing that the recognition could not, in these respects, be considered as precipitate, is there no foundation for the complaint of the United States with regard to it? The answer is thought to be absolutely conclusive that they had blockaded the ports, and thereby themselves proclaimed the belligerency of the Southern States. But is it possible that a Government has not the power, at the outset of an insurrection, to blockade ports which may happen to have been seized by rebels, without conferring upon them belligerent rights, and entitling them to the political *status* which those rights involve? How would it suit Great Britain to accept this doctrine for her own ports of Cork and Waterford, supposing them to have been suddenly seized by Irish rebels? Is it, or is it not the fact, that when these very United States were rebels against Great Britain, we blockaded some of their ports, and, so far from admitting that belligerent rights were

thereby accorded to them, treated as a *casus belli* the admission of some of their cruisers into a foreign port? It is not here asserted that to these arguments on the American side no answer can be given on the part of Great Britain;—it is not even asserted that they have not been answered by our Government in a manner which, to many persons, will not unreasonably appear conclusive;—all that is contended for is that it is really absurd to assert that on this point the American Government is so absolutely and hopelessly destitute of all shadow of argument and all possible pretext for complaint that this is a case to which arbitration is wholly inapplicable. It is perfectly possible and even probable that Lord Clarendon's reply to Mr. Fish might be considered as conclusive by the arbitrator. What seems impossible is, that any conceivable arbitrator, at all qualified for the position, should consider that there was absolutely nothing to be said on the other side. Another answer, supposed to be decisive as against the view taken by the United States in regard to the recognition is, that in his correspondence with foreign Governments on the subject, their Minister spoke of the insurrection as a regularly organised "civil war." But it is surely not difficult to see that this argument, though a fair weapon of controversy, is by no means unanswerable. The insurrection of the British American colonies which led to their independence was as regularly organised; and if anyone had said that those colonies had levied "imminent, flagrant, deadly war" against Great Britain, he would have said that which was

neither very unnatural nor very inconsistent with the facts of the case; yet no one can imagine that such a statement would have prevented an immediate declaration of war on the part of Great Britain if any foreign State had dared to accord to the colonists the *status* of belligerency. On the whole, it seems impossible at the same time to pretend to impartial judgment, and to deny that, whether the view taken by the United States on this subject be erroneous or not, it rests upon some plausible foundation.

The other great objection on the part of England will probably be that the proposed reference to the judgment of a neutral power of her right to recognise the belligerency of the revolted States would not be consistent with national self-respect. It is true that this objection has been so far invalidated as that, by the Clarendon-Johnson Convention, England had agreed that this grievance of recognition should be submitted to the arbitrator appointed to adjudicate upon the *Alabama* claims as one of the data for his guidance; but the difference in degree between this concession and the direct reference now suggested will be strongly insisted on. Nor can it be denied that such a mode of deciding such a question is more alarming to national susceptibilities than would be its decision by that time-honoured tribunal which dispenses justice through the medium of explosive compounds. But the question is, which of these two methods is really most worthy of a great nation? If it were not for the strange hallucination which

supposes that nations and individuals are amenable to different moral laws, it would be seen that this is a case in which the more peaceful course is also the most magnanimous. In civilised society, the man who, in disputes with his fellows, resorts to violence rather than to conciliatory interposition, is not the man who is most credited with a due sense of his own dignity. Nor is it easy to understand how a State, whose representative was the chief author of the paragraph in the Protocol appended to the Treaty of Paris in 1856, and which expressed a hope on the part of the great European Powers that serious international differences would in future be referred to arbitration, can reject arbitration on an occasion such as this. That paragraph must have been intended, if it had any meaning at all, to counteract the undue sensitiveness of national honour; and it is not easy to perceive, if inapplicable to this question of recognition, to what great international disputes it can ever be considered to apply. Reference to arbitration in such a case as this seems almost forced upon a nation which is neither so weak that it need be ungenerous, nor of so little account in the world that it need stake incalculable interests on points of international punctilio; —a nation which, fourteen years ago, led the way in the onslaught against that pride of race which refuses to submit to judicial inquiry and has been the parent of the most calamitous wars that have desolated the world.

There is no need to insist, in the interest of a speedy and peaceful settlement of this unhappy

dispute, on the general advantages of international amity, or on the special importance to England of a good understanding with the United States. But there are some considerations which are apt to be lost sight of, but which appear to recommend to us, in this instance, a course conciliatory to the extreme limits of concession. One of these is the fearful national loss and suffering which was really inflicted upon them, as well as that which, it may be erroneously but at all events devoutly, Americans believe to have been inflicted upon them by the conduct of England during the war. Whether that conduct involved any breach of international duty such as to furnish them with a right to reparation, may well be questioned:—what cannot be questioned is that it cost them terribly dear, and that they believe it to have cost them dearer. Apart from the plundering and burning by Confederate cruisers, there can be no doubt that the escape of these vessels from England, transferred in great part to England herself the carrying trade of the United States; and the blow thus dealt upon their mercantile marine appears to be one from which recovery is most difficult. Nor can there be any doubt but that the Royal Proclamation of neutrality gave in important respects assistance and encouragement to the rebel cause, or that Americans consider, with what sound reason may well be disputed, that to this alone or mainly it was owing that the rebellion was able to make head at all. The injuries thus sustained, or believed to have been sustained, by the United States do not make their

demands just, but they constitute an important reason why England should consider those demands with the most careful attention, and should do all that can possibly be done, consistently with her own rights and true interests, to heal the gaping wounds, material and mental, which, however unintentionally, her hand has made.

Another consideration, of no trifling importance, is the character of the American people. Let anyone consider the history, and, above all, the recent history of that nation. There is nothing, in modern times at least, with which it will not, for moral grandeur, favourably compare. An insurrection, formidable not only in numbers, but in foreign sympathy, and in the possession of almost all the disciplined forces and material of war, sprang suddenly into fierce and ominous life. It was no question between slavery and freedom (though that was a collateral issue), but whether the vast dominion—the mighty fabric which was the pride of a free people, the admiration of the world, the refuge of liberty, and full of bright promise for the future of mankind—should stand firm on its pedestal or be shivered into fragments at their feet. Surprised and betrayed, disarmed and friendless, the nation never faltered. For long months it encountered with raw levies the disciplined forces of the South :—for long months there poured from every loyal State the flower of the American youth, abandoning home, comfort, and prosperous industry to meet almost certain destruction in their country's cause. In ever-increasing numbers the untrained

soldiers of liberty pressed forward at her call to fill with their lives the deadly interval required to redress the balance of the strife. When at last the tide turned, and victory declared for numerical force submitted to gradual discipline, no vengeful exultation marked her advent. Calmly, firmly, and thoroughly, the great work was done. And when it ceased, the passionate excesses which have been the usual retinue of such triumphs were looked for by the world in vain. The people which had satisfied so grandly the test of adversity passed still more grandly through the terrible ordeal of success. Not one drop of blood was shed in revenge for treachery and rebellion more pernicious and worse-founded than any which the world has seen. In sadness rather than in triumph, when the fight was done, the nation set itself resolutely to grapple with the difficulties which the fight had bred. No lust of military glory, no intoxication of military success, ruffled the steady current of that beneficent toil. Having saved their country, the vast triumphant hosts were hosts no more. The transformation was complete :—the fierce and daring soldier became at once the quiet, industrious citizen ;—the Government, full armed for desperate resistance or majestic conquest, became the peaceful, conscientious labourer for a people's good. Now it is of course possible that a nation may have shown itself to be the possessor of so much wisdom and nobleness, and yet act unjustly towards a foreign state. But a claim, not destitute of all foundation, and persistently put forward in a temperate and conciliatory tone by the

unanimous voice of a nation such as this, cannot be set aside as the product of mere arrogant impertinence, malignant hostility, or perverse self-delusion. It may be a claim, in the opinion of those upon whom it is made, quite inadmissible; it cannot be one which is no fit subject for impartial adjudication. The American people, thus calm in judgment, moderate in self-assertion, just and humane in spite of every temptation, zealous for the right, yet merciful to the perpetrators of wrong, is under the firm impression, whether well or ill founded, that it is bound in justice to itself to demand reparation for certain acts of a foreign Power. Upon this reparation, however, it does not insist; it only asks that some authority should be named by both parties who may pronounce upon its justice. The character of the proposition and of the proposer alike seem to counsel compliance.

Another consideration which should influence in an important degree the decision of England upon this question is the feeling with which she is regarded by the American people. Vulgarity is not confined to Europe; and to envy, disparage, and vilify England is characteristic of American vulgarity. But to any one who will look a little below the surface, and take his impression of American opinion from other sources than rowdy newspapers, it must be evident that the great heart of the nation—the aggregate of thought and feeling which have made her what she is—yearns for sympathy and amity with ours. There is in the people of the United States a reverence, an admiration,

even a filial affection, for the nation from which they have never forgotten that they sprang, which long years of mutual misunderstanding, recrimination, and suspicion have been unable to subdue. The people of the United States believe, rightly or wrongly, that we have inflicted upon them a grievous wrong, for which, by some means or other, it is incumbent on them if they can to obtain redress; but whoever has had an opportunity of observing them at all must see that it is by a sense of justice, and not by an impulse of vengeance or hostility, that their course is steered; and that if this dispute could be settled by arbitration, they would, though the decision of the arbitrator should be in our favour, welcome it with satisfaction as that which would obtain for them, without sacrifice of national rights or interests, the long-sought and intensely-valued friendship of England.

The object of this paper has been, first, to explain as clearly as possible the present position of the controversy; and, secondly, to inquire what ought to be the course taken by Great Britain as respects the solution which, or something like, it seems necessary for her either to accept, or to reject without hope of a final understanding. It is hardly to be imagined that the proposition for renewed negotiation, which must come from the United States, will be long delayed. And there is ground for confident hope that the fairness and moderation which have marked the recent conduct of the case by the English Government, aided by the good sense and

enlightened patriotism of the English people as represented by a reformed Parliament, will before long bring about the consummation so ardently desired on both sides of the Atlantic—the reconciliation of great and kindred nations too long estranged.

THE INTERNATIONAL AND THE MANCHESTER SCHOOL.

THERE is an Association, hitherto but little known, upon whose constitution and objects recent events have cast a gleam of lurid light, and whose programme is now before the world. Of that programme the most important announcement is as follows:—Since all men are born equal, and since it is therefore unjust that any man, under whatever circumstances, should find himself in a better condition than another, property should, in a legal sense, exist only for equal division among all the members of the community. It follows that the labourer has a right not only to the countervalue, *i.e.* wages, of that which he has to dispose of, *i.e.* his work, but also to a share in the profits of that which other people have to dispose of, that is, in the profits of their money or their skill. This equitable arrangement, which might possibly be made to work, but only during the short time which it would require for the reduction of human beings to a general level of misery, is that on which this Association chiefly relies for the improvement of their condition.

There is also a school of politicians, known by the name of the Manchester School, which teaches that for the physical and consequently for the mental welfare of mankind it is necessary that the absolute and exclusive right of everyone to that which he produces with the means at his own disposal (such as his money or his knowledge) should be recognised and secured to him by law; and that beyond this, law has nothing whatever to do with the matter. Absolute freedom of competition in the race for property is held by this school to be the surest road to wealth and to well-being. Hence protective laws—which mean the taxation of the community at large for the benefit of a class, or of one class for the benefit of another,—communistic laws, such as those for the regulation of wages, or for the support of the poor who will or will not work, at the expense of the community;—and in general, every contrivance, whether in favour of the poor or of the rich, for interfering with the natural course of production and the free interchange of property of every kind—have been opposed by this school with inveterate hostility and triumphant success.

Such being the objects respectively of the two political sects in question, it is somewhat surprising to find that the one is frequently represented as the offspring of the other. The existence of the International as a dangerous and even criminal institution has, in speeches and writings of no inconsiderable weight, been attributed to the Manchester School. To ordinary minds this might appear about as reason-

able as to say that the fire which is consuming a man's house was caused by the well in his garden. But the statement appears to be made and accepted in all seriousness; and it becomes, therefore, desirable to inquire from what particular hallucination or confusion of thought it proceeds. It is evident, then, that those who have given currency to this paradox have been misled by a name. The International, besides being a socialistic and communistic institution in the extreme sense of the term, is also that which its name implies – a society for promoting peace by breaking down the exclusiveness of nationalism. And this latter being also among the aims of Cobden and his disciples, Cobden and his disciples are credited with the dangerous development of socialistic theories. By parity of reasoning, a moral code which should teach lying, if it happened also to teach forgiveness of injuries, might be affiliated upon Christianity, which teaches forgiveness of injuries.

But in truth, Cobden and his school are no preachers of internationalism in the sense that the International is so. The basis of their doctrine is indeed the same. That the maintenance of barriers between nations is in principle barbarous and puerile, and in proportion as civilisation advances will become less tolerable; that men have, in principle, no right to isolate themselves in separate communities, and to shed one another's blood for the possession of particular portions of the earth's surface rather than share it between them; is in both cases the major premiss of the creed. But Cobden was neither a visionary

nor a fanatic. He saw that the deep-rooted prejudice and time-encrusted tradition upon which nationalism rests could not, without the most fatal consequences, be set at nought and defied. To proclaim the "fraternity of peoples," and in that view to preach war upon thrones and other political institutions, was no part of his mission. What he deprecated was the theoretic approval of the existing division of mankind, as if it was not only an evil incapable of remedy, but even an absolute good; what he toiled for was to bind men of all races together in those bonds of self-interest which nature had provided for them, but which they had deliberately rejected; what he preached against was that national selfishness which calls itself patriotism and is satisfied. With those who would steep the world in blood in the name of fraternity, Cobden, though he was cosmopolitan to the last degree, had no more sympathy than with those who would do the same for liberty and equality, though of both he was a most ardent ally.

It is probable that in the whole annals of political paradox no assertion more opposed to the truth than that which attributes to the Manchester School the particular phenomenon known as the International, and considered as the great engine of Red Republican propagandism, was ever given to the world. Yet there is one sense—a sense of which they little dream—in which the paradogmatists are right. The existence in its present shape of the great communistic association is really to be accounted for not by its communism, but by its internationalism. That which

has inspired it with new life and force; that which explains it as it stands in all its portentous dimensions in the light of the present day; that which has even given it the support of moral and intellectual worth, and has already invested it with vast political importance, is not its socialistic denunciation of property, but its proclamation of peace and good-will towards men. From ultra-communistic theories, boldly proclaimed and taken by themselves, there is little to fear. No association, having for its sole object the most flagrant and wholesale social injustice, can ever hope for more than accidental and momentary triumph, followed by fatal and fearful collapse. Society is happily so constituted that plans for its disruption in the interest of a class, however numerous—plans having no basis of right and no colour of justification —are in their very nature incapable of success. They will be repudiated by everyone in or near the front rank of moral and intellectual progress; they will be encountered by superior physical force, backed by an intense self-interest strong in the consciousness of right; and the result can never be really doubtful. But the case is very different when the organisation which threatens social institutions threatens also the system which in all ages has filled the world with misery and blood. The case is very different when that organisation assumes the character of an incarnate protest against scenes such as those which have of late afflicted and scandalised Europe; against intolerable burdens imposed upon peace-loving and industrious populations; against blood poured out in

torrents for dynastic ambition, territorial aggrandisement, or military renown. To such an association there will gravitate in ever-increasing numbers, not only the unreasoning lovers of peace, but also those who are beginning to doubt whether socialism itself has any dangers worse than the military truce which is the normal expression of international relations in our day. Multitudes—formidable not only in their numbers, but in the leadership of ability and worth, who would have held aloof from the red flag of liberty carried alone—will follow it gladly when they see close beside it the olive branch of peace. The doctrines which would make the triumph of the International synonymous with social ruin are powerless taken by themselves. They may be left to the certain operation of their own intrinsic decay. But the wars which of late have desolated the world would have given new hope to the enemies of property and social order. Property and social order are in real peril when they are assailed by an agitation in whose programme peace is to be attained through political unity, and political unity to be attained through freedom. In such a programme there is only too large an admixture of truth. The way to peace lies through the gates of liberty; but what, in the present state of the world, would be the consequences of liberty is sufficiently evidenced by the mode in which the International understands the term. That the time will come when all civilised human beings will have become qualified to enjoy the fullest measure of self-government cannot indeed be doubted; and when

that time comes the barriers which separate nations will fall almost of their own accord. Political isolation, inevitable now that each nation is, as it were, the patrimony of a ruling class, will be unable to endure for an instant the unclouded and searching light of a civilised and ordered freedom. Nationalism, essential to the oligarchical institutions by which the world is for the most part now governed and with which it cannot yet dispense, will disappear when it is brought face to face with the enlightened self-interest of the majority, with the educated instinct of a common humanity, and with the precepts of a moral law generally accepted as of divine authority, and by which, in principle, it is emphatically condemned. But until that time, and in the present condition of the most numerous class, the real *de facto* government of the many would mean nothing less than wholesale injustice, intolerable tyranny, chaotic and murderous anarchy, with their inevitable consummation—a prætorian despotism upon a blood-stained throne.

It is then in war, as now looked upon and practised by European States, that the great league for the disruption of society has found its best ally. Some twenty years ago the long repose of Europe was broken by a devastating conflict which scarcely any one, even of its surviving authors, can now be found to defend. Since then it is not too much to say that there is hardly any national passion or aspiration, whether it be pride, envy, antipathy of race, lust of territory, or love of military glory, which is not

recognised as a more or less fit subject for gratification at the cost of war. The "war-path" of the Red Indian is not, to judge from language and appearances, a more familiar subject of contemplation to him, than are "eventualities and complications" to modern diplomacy, by which it means the ghastly and sickening horrors described by correspondents from seats of war in words of disgust and shame. The only nation which it is the fashion to speak of as particularly culpable in this respect is France, because she fights for military fame. But from a moral point of view there seems to be no long step from the love of military fame to the love of extended empire; and for this almost every nation in Europe has either been fighting or is ready to fight. The Danish war and the war of 1866 were made by Prussia for the sake of German unity, which is only another name for extended empire; and of these wars, which were emphatically wars of ambition, the terrible contest lately ended was the natural fruit. In that particular tragedy France was the aggressor; but neither for that, nor for the present state of Europe in general, is France alone to blame. For these the three Governments which in 1854 shattered a peace of forty years, with all its bright promise of permanence, and all its wealth of material and mental progress, for purposes not worthy to be placed for one instant by their side, are primarily answerable. But upon the Governments which from that moment have abandoned themselves to the beggar-my-neighbour game of fleets and armies —which have heaped tax upon tax for the purpose

of enabling them at any instant to rush into conflict on pretexts of which the men of a century ago would have been ashamed—which have rejected every proposal for reciprocal disarmament,—and which have apparently ceased to consider that war for any cause whatever, if only a nation which goes to war supposes itself to be in the right, can possibly be without justification,—upon these also a heavy load of responsibility is laid.

There is but one great European nation which at present appears at all inclined to act upon sound principle in this respect, and that is our own. It were much to be desired that England could make up her mind to dispense with the cost, as well as with the crime, of participation in unjustifiable wars; but the fact remains that her instincts have of late guided her to a policy—which it may be hoped her reason will confirm and perpetuate—of conciliation and of peace. Sneers and vituperation have hitherto failed to divert her from that policy. To accuse her of pusillanimity (unless it be for the ridiculous invasion panics) and unpatriotic greed is indeed to ignore the whole history of her march to greatness; and firmly adhering to the right, she can afford to disregard the insinuations of envious criminality. That in time her example may be followed is the best hope for humanity. Otherwise, it is not visionary to apprehend that some terrible and unprecedented calamity is in store for the world. The bustle of cannon foundries and arsenals, and the ever-increasing activity of the tax-gatherer, serving diligently the purposes of military

prestige or balance of power, may find at length an answering energy in the breasts of those who, caring for none of these objects, have too long paid for them with their wages or their blood. The hundreds who are daily swelling the ranks of the International, and the stream of gold which is pouring into its coffers, have already made of it a formidable power; and the next war which disgraces Europe on the scale of 1870 may be followed by some great and unexampled catastrophe,—some effort more fatal than the last, of an outraged *prolétariat* to grasp the liberty which it is not fitted to enjoy,—some protest against selfish barbarity and blood-bespattered ambition more disastrous than the prostrate column of the Place Vendôme.

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